

SENATE BILL No. 369

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-6.5-3; IC 9-13-2; IC 9-14; IC 9-15; IC 9-16; IC 9-19-10-1; IC 9-29-16-1; IC 9-30.

Synopsis: Bureau of motor vehicles commission. Transfers administrative responsibilities and repeals and relocates language concerning the bureau of motor vehicles to the bureau of motor vehicles commission. Permits or requires the commission to adopt rules. Provides that the rules adopted by the bureau of motor vehicles before July 1, 2009, concerning motor vehicle law are considered, after June 30, 2009, the rules of the commission. Makes conforming changes and technical corrections. Removes superseded and obsolete provisions.

Effective: July 1, 2009.

Merritt

January 8, 2009, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 369

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-6.5-3, AS ADDED BY P.L.107-2008,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 3. As used in this chapter, ~~"bureau"~~
4 **"commission"** refers to the bureau of motor vehicles **commission**
5 created by ~~IC 9-14-1-1~~. **IC 9-15-1-1**.

6 SECTION 2. IC 9-13-2-5 IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2009]: Sec. 5. "Approved motorcycle driver
8 education and training course" means:

9 (1) a course offered by a public or private secondary school, a
10 new motorcycle dealer, or other driver education school offering
11 motorcycle driver training as developed and approved by the
12 superintendent of public instruction and the ~~bureau~~; **commission**;
13 or

14 (2) a course that is offered by a commercial driving school or new
15 motorcycle dealer and that is approved by the ~~bureau~~.
16 **commission**.

17 SECTION 3. IC 9-13-2-19 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. "Certificate of
 2 compliance" means a written statement issued by the ~~bureau~~
 3 **commission** to a registered owner or operator of a motor vehicle
 4 involved in an accident showing compliance with IC 9-25 or with the
 5 requirements of the ~~bureau~~ **commission**.

6 SECTION 4. IC 9-13-2-31 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 31. (a) "Commercial
 8 motor vehicle" means, except as provided in subsection (b), a motor
 9 vehicle or combination of motor vehicles used in commerce to
 10 transport passengers or property if the motor vehicle:

11 (1) has a gross combination weight rating of at least twenty-six
 12 thousand one (26,001) pounds, including a towed unit with a
 13 gross vehicle weight rating of more than ten thousand (10,000)
 14 pounds;

15 (2) has a gross vehicle weight rating of at least twenty-six
 16 thousand one (26,001) pounds;

17 (3) is designed to transport at least sixteen (16) passengers,
 18 including the driver; or

19 (4) is:

20 (A) of any size;

21 (B) used in the transportation of materials found to be
 22 hazardous for the purposes of the Hazardous Materials
 23 Transportation Act; and

24 (C) required to be placarded under the Hazardous Materials
 25 Regulations (49 CFR Part 172, Subpart F).

26 (b) The ~~bureau of motor vehicles~~ **commission** may, by rule, broaden
 27 the definition of commercial motor vehicle under subsection (a) to
 28 include vehicles with a gross declared weight greater than eleven
 29 thousand (11,000) pounds but less than twenty-six thousand one
 30 (26,001) pounds.

31 SECTION 5. IC 9-13-2-33 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 33. "Commissioner"
 33 refers to the commissioner of the bureau of motor vehicles
 34 **commission**.

35 SECTION 6. IC 9-13-2-42, AS AMENDED BY P.L.131-2008,
 36 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2009]: Sec. 42. (a) "Dealer" means, except as otherwise
 38 provided in this section, a person who sells to the general public,
 39 including a person who sells directly by the Internet or other computer
 40 network, at least twelve (12) vehicles each year for delivery in Indiana.
 41 The term includes a person who sells off-road vehicles. A dealer must
 42 have an established place of business that meets the minimum

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standards prescribed by the ~~bureau~~ **commission** under rules adopted under IC 4-22-2.

(b) The term does not include the following:

(1) A receiver, trustee, or other person appointed by or acting under the judgment or order of a court.

(2) A public officer while performing official duties.

(3) A person who is a dealer solely because of activities as a transfer dealer.

(c) "Dealer", for purposes of IC 9-31, means a person that sells to the general public for delivery in Indiana at least six (6):

(1) boats; or

(2) trailers:

(A) designed and used exclusively for the transportation of watercraft; and

(B) sold in general association with the sale of watercraft; per year.

SECTION 7. IC 9-13-2-58 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 58. "Farm truck", "farm trailer", or "farm semitrailer and tractor" shall be identified in accordance with a rule adopted by the ~~bureau~~ **commission**.

SECTION 8. IC 9-13-2-77, AS AMENDED BY P.L.210-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 77. (a) "Implement of agriculture" means agricultural implements, pull type and self-propelled, used for the:

(1) transport;

(2) delivery; or

(3) application;

of crop inputs, including seed, fertilizers, and crop protection products, and vehicles designed to transport these types of agricultural implements.

(b) The ~~bureau~~ **commission** shall determine by rule under IC 4-22-2 whether a category of implement of agriculture was designed to be operated primarily:

(1) in a farm field or on farm premises; or

(2) on a highway.

SECTION 9. IC 9-13-2-90 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 90. "Labor rate" means the hourly labor rate charged by a franchisee for service, filed periodically with the ~~bureau~~ **commission** as the ~~bureau~~ **commission** may require, and posted prominently in the franchisee's service department.

SECTION 10. IC 9-13-2-95 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 95. "Major component
 2 parts" means those parts of motor vehicles, motorcycles, semitrailers,
 3 or recreational vehicles normally having a manufacturer's vehicle
 4 identification number, a derivative of the identification number, or a
 5 number supplied by an authorized governmental agency, including
 6 doors, fenders, differentials, frames, transmissions, engines, doghouses
 7 (front assembly), rear clips, and additional parts as prescribed by the
 8 ~~bureau~~ **commission**.

9 SECTION 11. IC 9-13-2-121 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 121. (a) "Owner"
 11 means, except as otherwise provided in this section, when used in
 12 reference to a motor vehicle:

- 13 (1) a person who holds the legal title of a motor vehicle;
- 14 (2) a person renting or leasing a motor vehicle and having
 15 exclusive use of the motor vehicle for more than thirty (30) days;
 16 or
- 17 (3) if a motor vehicle is the subject of an agreement for the
 18 conditional sale or lease vested in the conditional vendee or
 19 lessee, or in the event the mortgagor, with the right of purchase
 20 upon the performance of the conditions stated in the agreement
 21 and with an immediate right of possession of a vehicle is entitled
 22 to possession, the conditional vendee or lessee or mortgagor.

23 (b) "Owner", for purposes of IC 9-21 and IC 9-25, means, when
 24 used in reference to a motor vehicle, a person who holds the legal title
 25 of a motor vehicle, or if a:

- 26 (1) motor vehicle is the subject of an agreement for the
 27 conditional sale or lease of the motor vehicle with the right of
 28 purchase upon performance of the conditions stated in the
 29 agreement and with an immediate right of possession vested in
 30 the conditional vendee or lessee; or
- 31 (2) mortgagor of a motor vehicle is entitled to possession;

32 the conditional vendee or lessee or mortgagor is considered to be the
 33 owner for the purpose of IC 9-21 and IC 9-25.

34 (c) "Owner", for purposes of IC 9-22-1, means the last known record
 35 titleholder of a vehicle according to the records of the ~~bureau~~
 36 **commission** under IC 9-17.

37 (d) "Owner", for purposes of IC 9-31, means a person, other than a
 38 lienholder, having the property in or title to a motorboat. The term
 39 includes a person entitled to the use or possession of a motorboat
 40 subject to an interest in another person reserved or created by
 41 agreement and securing payment or performance of an obligation. The
 42 term excludes a lessee under a lease not intended as security.

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SECTION 12. IC 9-13-2-149 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 149. "Rebuilt vehicle" means a vehicle for which a certificate of title has been issued by the ~~bureau~~ **commission** under IC 9-22-3 or for which a certificate of title has been issued by another state or jurisdiction under a similar procedure for the retitling of salvage motor vehicles.

SECTION 13. IC 9-13-2-160 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 160. "Salvage motor vehicle" means any of the following:

(1) A motor vehicle, motorcycle, semitrailer, or recreational vehicle that meets at least one (1) of the criteria set forth in IC 9-22-3-3.

(2) A vehicle, ownership of which is evidenced by a salvage title or by another ownership document of similar qualification and limitation issued by a state or jurisdiction other than the state of Indiana, and recognized by and acceptable to the ~~bureau of motor vehicles~~ **commission**.

SECTION 14. IC 9-13-2-170, AS AMENDED BY P.L.214-2005, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 170. "Special group" means:

(1) a class or group of persons that the ~~bureau~~ **commission** finds:
 (A) have made significant contributions to the United States, Indiana, or the group's community or are descendants of native or pioneer residents of Indiana;

(B) are organized as a nonprofit organization (as defined under Section 501(c) of the Internal Revenue Code);

(C) are organized for nonrecreational purposes; and

(D) are organized as a separate, unique organization or as a coalition of separate, unique organizations; or

(2) a National Football League franchised professional football team.

SECTION 15. IC 9-13-2-188.5, AS AMENDED BY P.L.2-2007, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 188.5. "Truck driver training school" means a postsecondary proprietary educational institution (as defined in IC 21-17-1-13) located in Indiana and accredited by the Indiana commission on proprietary education or a state educational institution that:

(1) educates or trains a person; or

(2) prepares a person for an examination or a validation given by the ~~bureau~~ **commission**;

to operate a truck as a vocation.

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1 SECTION 16. IC 9-14-3-1 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. All records of the
 3 ~~bureau~~, **commission**, except:

4 (1) those declared by law to be confidential for the use of the
 5 ~~bureau~~, **commission**; or

6 (2) confidential voter registration information received or
 7 maintained under IC 3-7-14, IC 9-16-7, or IC 9-24-2.5;
 8 shall be open to public inspection during office hours in accordance
 9 with IC 5-14.

10 SECTION 17. IC 9-14-3-2 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. The ~~bureau~~
 12 **commission** shall maintain records of all requests for information
 13 under sections 5, 6, and 10 of this chapter and of the ~~bureau's~~
 14 **commission's** disposition of those requests.

15 SECTION 18. IC 9-14-3-3 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The ~~bureau~~
 17 **commission** may destroy or otherwise dispose of under IC 5-15-5.1-14
 18 any records of the ~~bureau~~ **commission** that have been maintained on
 19 file for two (2) years.

20 SECTION 19. IC 9-14-3-4 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The ~~bureau~~
 22 **commission** shall prepare and deliver, upon request and payment of the
 23 fees prescribed in IC 9-29-2-1, a certified copy of any record of the
 24 ~~bureau~~ **commission** that is not otherwise declared by law to be
 25 confidential.

26 (b) A certified copy of a record obtained under subsection (a) is
 27 admissible in a court proceeding as if the copy were the original.

28 (c) An electronic record of the ~~bureau~~ **commission** obtained from
 29 the ~~bureau~~ **commission** by digital signature that bears an electronic
 30 signature is admissible in a court proceeding as if the copy were the
 31 original.

32 SECTION 20. IC 9-14-3-5, AS AMENDED BY P.L.198-2007,
 33 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2009]: Sec. 5. (a) Except as provided in subsection (b), (d), or
 35 (e), the ~~bureau~~ **commission** shall prepare and deliver information on
 36 titles, registrations, and licenses and permits upon the request of any
 37 person. All requests must be:

38 (1) submitted in writing; or

39 (2) made electronically through the computer gateway
 40 administered under IC 4-13.1-2-2(a)(5) by the office of
 41 technology;

42 to the ~~bureau~~ **commission** and, unless exempted under IC 9-29, must

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be accompanied by the payment of the fee prescribed in IC 9-29-2-2.

(b) The ~~bureau~~ **commission** shall not disclose:

- (1) the Social Security number;
- (2) the federal identification number;
- (3) the driver's license number;
- (4) the digital image of the driver's license applicant;
- (5) a reproduction of the signature secured under IC 9-24-9-1 or IC 9-24-16-3; or
- (6) medical or disability information;

of any person except as provided in subsection (c).

(c) The ~~bureau~~ **commission** may disclose any information listed in subsection (b):

- (1) to a law enforcement officer;
- (2) to an agent or a designee of the department of state revenue;
- (3) for uses permitted under IC 9-14-3.5-10(1), IC 9-14-3.5-10(4), IC 9-14-3.5-10(6), and IC 9-14-3.5-10(9); or
- (4) for voter registration and election purposes required under IC 3-7 or IC 9-24-2.5.

(d) As provided under 42 U.S.C. 1973gg-3(b), the commission may not disclose any information concerning the failure of an applicant for a motor vehicle driver's license to sign a voter registration application, except as authorized under IC 3-7-14.

(e) The commission may not disclose any information concerning the failure of an applicant for a title, registration, license, or permit (other than a motor vehicle license described under subsection (d)) to sign a voter registration application, except as authorized under IC 3-7-14.

SECTION 21. IC 9-14-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) Upon the submission to the ~~bureau~~ **commission** of a specific written request from an individual or organization for a compilation of specific information requested for the purposes described in subsection (c), the ~~bureau~~ **commission** may contract with the individual or organization to compile the requested information from the records of the ~~bureau~~ **commission**.

(b) The ~~bureau~~ **commission** may charge an amount agreeable to the parties, as described in IC 9-29-2-3.

(c) An individual or organization making a request under this section must certify one (1) of the following:

- (1) That the information is required for the purposes of notifying vehicle owners of vehicle defects and recall for modifications, and that the individual or organization will use the information

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provided only for that purpose.

(2) That the information will be used only for research or statistical reporting purposes and that individual identities will be properly protected in the preparation of the research or reports and not ascertainable from the published reports or research results.

(3) That the information will be used for the purpose of documenting the sale of motor vehicles in Indiana.

(4) That the information will be used for purposes of the federal Selective Service System.

(5) That the information will be used solely for law enforcement purposes by police officers.

(d) The commission may not compile or release information concerning voter registration under this section.

(e) The ~~bureau~~ **commission** shall provide the requested information under this section in a format that is agreeable to the parties, including the following formats:

(1) Printed records.

(2) Microfiche.

(3) Computer disk.

SECTION 22. IC 9-14-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) The ~~bureau~~ **commission** shall maintain an operating record for each person licensed by the ~~bureau~~ **commission** to drive a motor vehicle.

(b) An operating record must contain the following:

(1) A person's convictions for any of the following:

(A) A moving traffic violation.

(B) Operating a vehicle without financial responsibility in violation of IC 9-25.

(2) Any administrative penalty imposed by the ~~bureau~~ **commission**.

(3) If the driving privileges of a person have been suspended or revoked by the ~~bureau~~ **commission**, an entry in the record stating that a notice of suspension or revocation was mailed by the ~~bureau~~ **commission** and the date of the mailing of the notice.

(4) Any suspensions, revocations, or reinstatements of a person's driving privileges, license, or permit.

(5) Any requirement that the person may operate only a motor vehicle equipped with ~~an~~ a certified ignition interlock device.

(c) An entry in the operating record of a defendant stating that notice of suspension or revocation was mailed by the ~~bureau~~ **commission** to the defendant constitutes prima facie evidence that the

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notice was mailed to the defendant's address as shown in the official driving record.

(d) An operating record maintained under this section:

(1) is not admissible as evidence in any action for damages arising out of a motor vehicle accident; and

(2) may not include voter registration information.

SECTION 23. IC 9-14-3-8, AS AMENDED BY P.L.2-2005, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The ~~bureau~~ **commission** may establish a driving record for an Indiana resident who does not hold any type of valid driving license, as provided in IC 9-24-18-9.

(b) The ~~bureau~~ **commission** shall establish a driving record for an unlicensed driver when an abstract of court conviction is received by the ~~bureau~~ **commission**, as provided in IC 9-24-18-9.

(c) A driving record under this section may not include voter registration information.

SECTION 24. IC 9-14-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) If the governor, the superintendent of the state police department, or the highest officer located in Indiana of the Federal Bureau of Investigation, the United States Secret Service, or the United States Treasury Department certifies to the ~~bureau~~ **commission** that:

(1) an individual named in the certificate is an officer or employee of a state, county, or city department or bureau with police power;

(2) the nature of the individual's work or duties is of a secret or confidential nature; and

(3) in the course of the individual's work the individual uses the motor vehicle described in the certificate;

the ~~bureau~~ **commission** shall regard all of the ~~bureau's~~ **commission's** records concerning the certificate of title or certificate of registration of the motor vehicle and the operating license of the individual described in the certificate as confidential.

(b) The ~~bureau~~ **commission** may disclose the records described in subsection (a) only upon one (1) of the following:

(1) An order of a court of competent jurisdiction made in a cause or matter pending before the court.

(2) The written request of the officer, employee, or a successor of the officer or employee making the certificate.

(3) A request of the governor.

SECTION 25. IC 9-14-3.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. As used in this chapter, "motor vehicle record" means a record that pertains to:

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- (1) a driver's license;
- (2) a permit;
- (3) a motor vehicle registration;
- (4) a motor vehicle title; or
- (5) an identification document issued by the ~~bureau~~ **commission**.

SECTION 26. IC 9-14-3.5-7, AS AMENDED BY P.L.1-2006, SECTION 158, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) Except as provided in sections 8 and 10 of this chapter:

- ~~(1) an officer or employee of the bureau;~~
- ~~(2) (1) an officer or employee of the bureau of motor vehicles commission; or~~
- ~~(3) (2) a contractor of the bureau or the bureau of motor vehicles commission (or an officer or employee of the contractor);~~

may not knowingly disclose personal information about a person obtained by the ~~bureau~~ **commission** in connection with a motor vehicle record.

(b) A person's Social Security number shall not be in any way disclosed on a motor vehicle registration.

SECTION 27. IC 9-14-3.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. Except as provided in section 10.5 of this chapter, the ~~bureau~~ **commission** may disclose personal information to a person if the person requesting the information provides proof of identity and represents that the use of the personal information will be strictly limited to at least one (1) of the following:

- (1) For use by a government agency, including a court or law enforcement agency, in carrying out its functions, or a person acting on behalf of a government agency in carrying out its functions.
- (2) For use in connection with matters concerning:
 - (A) motor vehicle or driver safety and theft;
 - (B) motor vehicle emissions;
 - (C) motor vehicle product alterations, recalls, or advisories;
 - (D) performance monitoring of motor vehicles, motor vehicle parts, and dealers;
 - (E) motor vehicle market research activities, including survey research; and
 - (F) the removal of nonowner records from the original owner records of motor vehicle manufacturers.
- (3) For use in the normal course of business by a business or its agents, employees, or contractors, but only:

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- 1 (A) to verify the accuracy of personal information submitted
- 2 by an individual to the business or its agents, employees, or
- 3 contractors; and
- 4 (B) if information submitted to a business is not correct or is
- 5 no longer correct, to obtain the correct information only for
- 6 purposes of preventing fraud by, pursuing legal remedies
- 7 against, or recovering on a debt or security interest against, the
- 8 individual.
- 9 (4) For use in connection with a civil, a criminal, an
- 10 administrative, or an arbitration proceeding in a court or
- 11 government agency or before a self-regulatory body, including the
- 12 service of process, investigation in anticipation of litigation, and
- 13 the execution or enforcement of judgments and orders, or under
- 14 an order of a court.
- 15 (5) For use in research activities, and for use in producing
- 16 statistical reports, as long as the personal information is not
- 17 published, re-disclosed, or used to contact the individuals who are
- 18 the subject of the personal information.
- 19 (6) For use by an insurer, an insurance support organization, or a
- 20 self-insured entity, or the agents, employees, or contractors of an
- 21 insurer, an insurance support organization, or a self-insured entity
- 22 in connection with claims investigation activities, anti-fraud
- 23 activities, rating, or underwriting.
- 24 (7) For use in providing notice to the owners of towed or
- 25 impounded vehicles.
- 26 (8) For use by a licensed private investigative agency or licensed
- 27 security service for a purpose allowed under this section.
- 28 (9) For use by an employer or its agent or insurer to obtain or
- 29 verify information relating to a holder of a commercial driver's
- 30 license that is required under the Commercial Motor Vehicle
- 31 Safety Act of 1986 (49 U.S.C. 2710 et seq.).
- 32 (10) For use in connection with the operation of private toll
- 33 transportation facilities.
- 34 (11) For any use in response to requests for individual motor
- 35 vehicle records when the ~~bureau~~ **commission** has obtained the
- 36 written consent of the person to whom the personal information
- 37 pertains.
- 38 (12) For bulk distribution for surveys, marketing, or solicitations
- 39 when the ~~bureau~~ **commission** has obtained the written consent of
- 40 the person to whom the personal information pertains.
- 41 (13) For use by any person, when the person demonstrates, in a
- 42 form and manner prescribed by the ~~bureau~~, **commission**, that

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1 written consent has been obtained from the individual who is the
2 subject of the information.

3 (14) For any other use specifically authorized by law that is
4 related to the operation of a motor vehicle or public safety.

5 However, this section does not affect the use of anatomical gift
6 information on a person's driver's license or identification document
7 issued by the ~~bureau~~, **commission**, nor does it affect the administration
8 of anatomical gift initiatives in the state.

9 SECTION 28. IC 9-14-3.5-10.5, AS AMENDED BY P.L.184-2007,
10 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2009]: Sec. 10.5. (a) Except as provided in subsections (b)
12 and (c), the ~~bureau~~ **commission** may not disclose the following
13 personal information from a person's motor vehicle record:

14 (1) Driver's license or digital photograph.

15 (2) Social Security number.

16 (3) Medical or disability information.

17 (b) The ~~bureau~~ **commission** may disclose the personal information
18 described in subsection (a) if the ~~bureau~~ **commission** has the express
19 written consent of the person to whom the personal information
20 pertains to release the information described in subsection (a).

21 (c) The ~~bureau~~ **commission** may disclose the personal information
22 described in subsection (a) without the express written consent of the
23 person to whom the personal information pertains if the person
24 requesting the information:

25 (1) provides proof of identity; and

26 (2) represents that the use of the personal information will be
27 strictly limited to at least one (1) of the uses set forth in section
28 10(1), 10(4), 10(6), and 10(9) of this chapter.

29 SECTION 29. IC 9-14-3.5-12 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. The ~~bureau~~
31 **commission** may, before disclosing personal information, require the
32 requesting person to satisfy certain conditions for the purpose of
33 ascertaining:

34 (1) the correct identity of the requesting person;

35 (2) that the use of the disclosed information will be only as
36 authorized; or

37 (3) that the consent of the person who is the subject of the
38 information has been obtained.

39 The conditions may include the making and filing of a written
40 application on a form prescribed by the ~~bureau~~ **commission** and
41 containing all information and certification requirements required by
42 the ~~bureau~~, **commission**.

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SECTION 30. IC 9-14-3.5-13, AS AMENDED BY P.L.1-2006, SECTION 159, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) An authorized recipient of personal information, except a recipient under section 10(11) or 10(12) of this chapter, may resell or re-disclose the information for any use allowed under section 10 of this chapter, except for a use under section 10(11) or 10(12) of this chapter.

(b) An authorized recipient of a record under section 10(11) of this chapter may resell or re-disclose personal information for any purpose.

(c) An authorized recipient of personal information under IC 9-14-3-6 and section 10(12) of this chapter may resell or re-disclose the personal information for use only in accordance with section 10(12) of this chapter.

(d) Except for a recipient under section 10(11) of this chapter, a recipient who resells or re-discloses personal information is required to maintain and make available for inspection to the ~~bureau~~, **commission**, upon request, for at least five (5) years, records concerning:

(1) each person that receives the information; and

(2) the permitted use for which the information was obtained.

SECTION 31. IC 9-14-3.5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. The ~~bureau~~ **commission** may adopt rules under IC 4-22-2 to carry out this chapter.

SECTION 32. IC 9-14-3.5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. A person requesting the disclosure of personal information from ~~bureau~~ records of the **commission** who knowingly or intentionally misrepresents the person's identity or makes a false statement to the ~~bureau~~ **commission** on an application required to be submitted under this chapter commits a Class C misdemeanor.

SECTION 33. IC 9-15-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. The commission shall do the following:

(1) Develop and continuously update the ~~bureau's~~ **commission's** policies.

(2) Recommend to the governor legislation that is needed to implement the policies developed by the commission.

~~(3) Recommend to the bureau proposed rules that are needed to implement the policies developed by the commission and require those proposed rules to be adopted under IC 4-22-2.~~

~~(4)~~ (3) Review, revise, adopt, and submit to the budget agency budget proposals for the commission. ~~the bureau, and the license~~

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branches operated under IC 9-16, including the budget required by IC 9-16-3-3.

~~(5)~~ (4) Establish the determination criteria and determine the number and location of license branches to be operated under IC 9-16. However, there must be at least one (1) full service license branch in each county.

~~(6)~~ (5) Establish and adopt minimum standards for the operation and maintenance of each full service license branch operated under IC 9-16.

~~(7) Before January 1, 1997,~~ (6) Establish and adopt minimum standards for the operation and maintenance of each partial service contractor under IC 9-16. The standards must result in more convenience to the public by providing license branch services at as many walk-up locations as possible without increasing the costs of providing these services.

~~(8) Before March 1, 1997,~~ (7) Establish and adopt minimum standards for providing license branch services using telephonic, facsimile, electronic, or computer means under IC 9-16.

~~(9)~~ (8) Administer the state license branch fund established under IC 9-29-14.

(9) Adopt and enforce rules under IC 4-22-2 necessary to carry out this title.

SECTION 34. IC 9-15-2-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4. (a) The governor shall appoint a commissioner who serves at the pleasure of the governor.**

(b) Subject to IC 4-12-1-3, the governor shall fix the salary of the commissioner at the time of appointment.

(c) The commissioner shall obtain a design for and procure a seal of office for the commission.

SECTION 35. IC 9-15-2-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 5. The commission shall:**

(1) appoint, subject to the approval of the governor, the deputies, subordinate officers, clerks, and other employees necessary to carry out this title, IC 6-6-5, IC 6-6-5.5, and IC 6-6-11; and

(2) fix the salaries of the employees employed under subdivision (1).

SECTION 36. IC 9-15-2-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 6. The commissioner shall do the following:**

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(1) Administer and enforce:

**(A) this title and other statutes concerning the commission;
and**

(B) the policies and procedures of the commission.

(2) Organize the commission in the manner necessary to carry out the duties of the commission.

(3) Submit budget proposals for the commission to the budget director before September 1 of each year.

(4) Perform other duties as required by the commission.

SECTION 37. IC 9-15-2-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 7. The commission shall:**

(1) provide and prescribe all forms necessary to carry out any laws administered and enforced by the commission; and

(2) provide notary public service for the convenience of the public when applying for a:

(A) certificate of title;

(B) registration; or

(C) license.

SECTION 38. IC 9-15-2-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 8. The commission shall do the following:**

(1) File and index by name each application for a license or permit issued by the commission under this title.

(2) Maintain suitable records of all licenses and permits issued by the commission under this title.

SECTION 39. IC 9-15-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1. IC 34-13-3 applies to a claim or suit in tort against any of the following:**

(1) A member of the commission.

(2) An employee of the commission, who is employed at a license branch under IC 9-16, except for an employee employed at a license branch operated under a contract with the commission under IC 9-16-1-4.

SECTION 40. IC 9-16-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1. As used in this chapter, "qualified person" means any of the following:**

(1) A motor club that is any of the following:

(A) A domestic corporation.

(B) A foreign corporation qualified to transact business in Indiana under IC 23-1 or IC 23-17.

(2) A financial institution (as defined in IC 28-1-1-3).

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(3) A new motor vehicle dealer licensed under IC 9-23-2.

(4) Other persons, including persons licensed under IC 9-23-2 that are not covered by subdivision (3), that the commission determines can meet the standards adopted by the commission under ~~IC 9-15-2-1(7)~~ **IC 9-15-2-1(6)** and the requirements for partial service contractors under section 4.5 of this chapter.

SECTION 41. IC 9-16-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) License branches have all the powers and duties assigned to license branches by statute and by the commissioner.

(b) The commissioner shall assign to license branches those functions that:

(1) the commission ~~or the bureau~~ is legally required or authorized to perform; and

(2) cannot be adequately performed by the commission ~~or the bureau~~ without assistance from the license branches.

SECTION 42. IC 9-16-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. ~~Subject to the approval of~~ The commission ~~the bureau~~ may request the necessary office space, storage space, and parking facilities for each license branch operated by the commission from the Indiana department of administration as provided in IC 4-20.5-5-5.

SECTION 43. IC 9-19-10-1, AS AMENDED BY P.L.214-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter does not apply to an occupant of a motor vehicle who meets any of the following conditions:

(1) For medical reasons should not wear safety belts, provided the occupant has written documentation of the medical reasons from a physician.

(2) Is a child required to be restrained by a child restraint system under IC 9-19-11.

(3) Is traveling in a commercial or a United States Postal Service vehicle that makes frequent stops for the purpose of pickup or delivery of goods or services.

(4) Is a rural carrier of the United States Postal Service and is operating a vehicle while serving a rural postal route.

(5) Is a newspaper motor route carrier or newspaper bundle hauler who stops to make deliveries from a vehicle.

(6) Is a driver examiner ~~designated and appointed under IC 9-14-2-3~~ and is conducting an examination of an applicant for a permit or license under IC 9-24-10.

(7) Is an occupant of a farm truck being used on a farm in

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connection with agricultural pursuits that are usual and normal to the farming operation, as set forth in IC 9-29-5-13(b)(2).

(8) Is an occupant of a motor vehicle participating in a parade.

(9) Is an occupant of the living quarters area of a recreational vehicle.

(10) Is an occupant of the treatment area of an ambulance (as defined in IC 16-18-2-13).

(11) Is an occupant of the sleeping area of a tractor.

(12) Is an occupant other than the operator of a vehicle described in IC 9-20-11-1(1).

(13) Is an occupant other than the operator of a truck on a construction site.

(14) Is a passenger other than the operator in a cab of a Class A recovery vehicle or a Class B recovery vehicle who is being transported in the cab because the motor vehicle of the passenger is being towed by the recovery vehicle.

(15) Is an occupant other than the operator of a motor vehicle being used by a public utility in an emergency as set forth in IC 9-20-6-5.

SECTION 44. IC 9-29-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. The state motor vehicle technology fund is established for the purpose of paying for new technology as it becomes available to carry out the functions of ~~IC 9-14-2~~. **IC 9-15-2.** The fund shall be administered by the ~~bureau~~ **commission**. This fund is in addition to normal budgetary appropriations.

SECTION 45. IC 9-30-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) If a person who is an Indiana resident:

(1) is arrested for a misdemeanor regulating the use and operation of motor vehicles, other than the misdemeanor of operating a vehicle while intoxicated; and

(2) is not immediately taken to court as provided in section 4 of this chapter;

the person shall be released from custody by the arresting officer upon signing a written promise to appear in the proper court at a time and date indicated on the promise. The resident shall be given a copy of the promise.

(b) Except as provided in IC 9-28-1 and IC 9-28-2, if a person who is not an Indiana resident is arrested for a violation of a traffic ordinance or a statute punishable as an infraction or a misdemeanor that regulates the use and operation of a motor vehicle and is not

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1 immediately taken to court as provided in section 4 of this chapter, the
 2 person shall be released upon the deposit of a security. The security
 3 shall be:

4 (1) the amount of the fine and costs for the violation in the form
 5 of cash, a money order, or a traveler's check made payable to the
 6 clerk of the court; or

7 (2) a valid motor club card of a motor club that, by written plan
 8 approved by the secretary of state as provided in section 8 of this
 9 chapter, guarantees the nonresident's deposit in the amount of the
 10 fine and costs.

11 The proper court shall provide a list of security deposits, which must
 12 be equal to the fine and costs for the violation, and a security deposit
 13 agreement that acts as a receipt for the deposit. A nonresident who does
 14 not choose to deposit a security shall be taken to the proper court.

15 (c) The agreement for the security deposit and the written promise
 16 or notice to appear in court must contain the following:

17 (1) A citation of the violation.

18 (2) The name and address of the person accused of committing
 19 the violation.

20 (3) The number of the person's license to operate a motor vehicle.

21 (4) The registration number of the person's vehicle, if any.

22 (5) The time and place the person must appear in court.

23 If the violation is a misdemeanor, the time specified for appearance
 24 must be at least five (5) days after the arrest unless the arrested person
 25 demands an earlier hearing. The place specified for appearance must
 26 be in the proper court within the county where the person was arrested
 27 or given a notice to appear in the case of an infraction or ordinance.
 28 The nonresident shall be properly informed of the consequences of a
 29 guilty plea or an agreed judgment. The agreement for the security must
 30 also contain a provision in which the nonresident agrees that the court
 31 shall take permanent possession of the deposit, and if the nonresident
 32 fails to appear in court or is not represented in court, a guilty plea or an
 33 offer of judgment shall be entered on the court's record on behalf of the
 34 nonresident. Upon proper appearance or representation, the security
 35 shall be returned to the nonresident.

36 (d) A nonresident licensed by a jurisdiction that has entered into an
 37 agreement with Indiana under IC 9-28-2 may deposit the nonresident's
 38 license to operate a motor vehicle with the law enforcement officer as
 39 security for release. A nonresident shall, by the date required on the
 40 security deposit agreement, do one (1) of the following:

41 (1) Appear in court.

42 (2) Be represented in court.

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(3) Deliver to the court by mail or courier the amount of the fine and costs prescribed for the violation.

The license to operate a motor vehicle shall be returned to the nonresident upon payment of the fine and costs and entry of a guilty plea or upon other judgment of the court. Until a judgment has been entered upon the court's records, the nonresident's copy of the security deposit agreement acts as a temporary license to operate a motor vehicle. Upon failure to appear or to be represented, the nonresident's license to operate a motor vehicle and a copy of the judgment shall be sent by the court to the ~~bureau~~, **commission**, which shall notify the appropriate agency in accordance with IC 9-30-3-8.

(e) A nonresident who requests to deposit a security in the amount of the fine and costs shall be accompanied to the nearest United States mail receptacle and instructed by the law enforcement officer to place:

(1) the amount of the fine and costs; and

(2) one (1) signed copy of the security deposit agreement; into a stamped, addressed envelope, which the proper court shall supply to the officer for the nonresident. The officer shall observe this transaction and shall observe the nonresident deposit the envelope in the mail receptacle. The nonresident shall then be released and given a copy of the security deposit agreement. If the nonresident does not appear in court or is not represented in court at the time and date specified on the receipt, a guilty plea or judgment against the nonresident shall be entered and the security deposit shall be used to satisfy the amount of the fine and costs prescribed for the violation.

(f) A nonresident motorist may deposit with the law enforcement officer a valid motor club card as a guarantee of security if the motor club or its affiliated clubs have a written plan approved by the secretary of state that guarantees the payment of the security in the amount of the fine and costs if the motorist:

(1) does not appear in court; or

(2) is not represented in court on the date and time specified in the security agreement.

(g) The recipient court may refuse acceptance of a security deposit agreement for a second moving traffic charge within a twelve (12) month period. The court may send notice requiring a personal court appearance on a date specified. Upon failure to appear the court shall take the appropriate action as described in this section.

SECTION 46. IC 9-30-2-7, AS AMENDED BY P.L.1-2007, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) The:

(1) superintendent of the state police department;

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(2) police chief of each city or the police chief's designee;
 (3) sheriff of each county; and
 (4) town marshal or police chief of each town;
 shall report to the ~~bureau~~ **commission** immediately the arrest of a person for a violation of an Indiana law or a city ordinance relating to the operation of motor vehicles upon the highways.

(b) The report must state the following:

(1) The offense with which the operator or driver is charged.

(2) The court in which pending.

(3) The names of all available witnesses to the violation.

(4) The name and address of the operator.

(5) If the operator is the holder of a license, the following:

(A) The kind of license and license number.

(B) The license plate number of the vehicle operated by the operator.

(c) The ~~bureau~~ **commission** shall cause the report:

(1) to be filed in the ~~bureau~~; **commission**; and

(2) retained for at least two (2) years.

(d) The ~~bureau~~ **commission** shall prescribe and the ~~bureau~~ **commission** shall furnish the form of the report required by this section.

SECTION 47. IC 9-30-3-6, AS AMENDED BY P.L.206-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) This section does not apply to electronic traffic tickets.

(b) In traffic cases, the information and summons shall be in substantially the following form:

In the _____ Court of _____ County

Cause No. _____ Docket No. _____

Page No. _____

State of Indiana

SS: _____ No. _____

County of _____

INFORMATION AND SUMMONS

The undersigned having probable cause to believe and being duly sworn upon ~~his~~ **the individual's** oath says that:

On the _____ Day of _____, 20 ____ at ____ M

Name _____

Last First Middle

Street _____

City _____ State _____ Zip Code _____

Race ____ Sex ____ Age ____ D.O.B. ____ HT ____ WT ____



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1 Oper. Lic. # _____ St. _____ Did Unlawfully
 2 Operate Veh. Color _____ Veh. Yr. ____ Veh. Make _____
 3 Veh. Lic. Yr. _____ Veh. Lic. St. _____ Veh. Lic. # _____
 4 Upon, (Location) _____
 5 _____
 6 A PUBLIC STREET OR HIGHWAY IN _____
 7 COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:
 8 _____
 9 _____
 10 CONTRARY TO THE FORM OF THE () STATE STATUTE
 11 () LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.
 12 OFFICER'S SIGNATURE _____
 13 I.D. No. _____ Div. Dist. _____
 14 POLICE AGENCY _____
 15 Subscribed And Sworn to Before Me
 16 (Deputy Clerk) _____
 17 This _____ Day of _____, 20 ____
 18 COURT APPEARANCE
 19 I PROMISE TO APPEAR IN COURTROOM
 20 _____
 21 ADDRESS: _____
 22 ON _____ THE _____ DAY OF _____, 20 ____ AT
 23 ____ M. OR BE SUBJECT TO ARREST.
 24 SIGNATURE _____
 25 "YOUR SIGNATURE IS NOT AN ADMISSION OF GUILT"
 26 The information and summons shall consist of four (4) parts:
 27 (1) the original copy, printed on white paper, which shall be the
 28 abstract of court record for the ~~Indiana bureau of motor vehicles;~~
 29 **commission;**
 30 (2) the court copy, printed on white paper;
 31 (3) the police record, which shall be a copy of the information,
 32 printed on pink paper; and
 33 (4) the summons copy, printed on white stock.
 34 The reverse sides of the information and abstract of court record
 35 shall be substantially as follows, with such additions or deletions as are
 36 necessary to adapt the form to the court involved:
 37 RECEIPT # _____
 38 DATE _____
 39 COURT ACTION AND OTHER ORDERS
 40 BAIL \$ _____
 41 REARREST BOND \$ _____ DATE _____
 42 1. CONTINUANCE TO ____ 4. CONTINUANCE TO ____

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1 2. CONTINUANCE TO ____ 5. CONTINUANCE TO ____
 2 3. CONTINUANCE TO ____ 6. CONTINUANCE TO ____
 3 Motions Date Ruling Date
 4 1. ____
 5 2. ____
 6 3. ____
 7 4. ____
 8 PLEA ☐ GUILTY
 9 ☐ NOT GUILTY
 10 FINDING ☐ GUILTY
 11 ☐ NOT GUILTY
 12 THE COURT THEREFORE, ENTERS
 13 THE FOLLOWING ORDER
 14 FINE \$ _____ AMOUNT SUSP. \$ _____
 15 (STATE) \$ _____
 16 COSTS
 17 (CITY) \$ _____
 18 _____ DAYS IN _____ DAYS SUSP.
 19 _____
 20 ☐ RECOMMENDED LICENSE SUSPENDED FOR _____
 21 ☐ PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR
 22 PROBATION
 23 _____
 24 _____
 25 _____
 26 _____
 27 JUDGE: _____
 28 DATE: _____
 29 ATTORNEY FOR DEFENDANT _____
 30 ADDRESS _____ TELEPHONE _____
 31 WITNESSES
 32 _____
 33 _____
 34 The notice, the appearance, the plea of either guilty or not guilty,
 35 and the waiver shall be printed on the summons. The trimmed size of
 36 the paper and stock on which the form is printed shall be nominally
 37 four and one quarter (4 1/4) inches by eight and one quarter (8 1/4)
 38 inches.
 39 (c) In civil traffic cases, the complaint and summons shall be in
 40 substantially the following form:
 41 In the _____ Court of _____ County
 42 Cause No. _____ Docket No. _____

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1 Page No. _____
 2 State of Indiana
 3 SS: No. _____
 4 County of _____
 5 COMPLAINT AND SUMMONS
 6 The undersigned having probable cause to believe and being duly
 7 sworn upon ~~his~~ **the individual's** oath says that:
 8 On the _____ Day of _____, 20 ____ at ____ M
 9 Name _____
 10 Last First Middle
 11 Street _____
 12 City _____ State _____ Zip Code _____
 13 Race ____ Sex ____ Age ____ D.O.B. _____ HT ____ WT ____
 14 Oper. Lic. # _____ St. _____ Did Unlawfully
 15 Operate Veh. Color _____ Veh. Yr. ____ Veh. Make _____
 16 Veh. Lic. Yr. ____ Veh. Lic. St. ____ Veh. Lic. # _____
 17 Upon, (Location) _____
 18 _____
 19 A PUBLIC STREET OR HIGHWAY IN _____
 20 COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:
 21 _____
 22 _____
 23 _____
 24 CONTRARY TO THE FORM OF THE () STATE STATUTE
 25 () LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.
 26 OFFICER'S SIGNATURE _____
 27 I.D. No. _____ Div. Dist. _____
 28 POLICE AGENCY _____
 29 Subscribed And Sworn to Before Me
 30 (Deputy Clerk) _____
 31 This _____ Day of _____, 20 ____
 32 COURT APPEARANCE
 33 I PROMISE TO APPEAR IN _____
 34 COURTROOM _____
 35 ADDRESS: _____
 36 ON _____ THE _____ DAY OF _____, 20 ____
 37 AT ____ M. OR BE SUBJECT TO ARREST.
 38 SIGNATURE _____
 39 "YOUR SIGNATURE IS NOT AN ADMISSION OF A VIOLATION"
 40 The complaint and summons shall consist of four (4) parts:
 41 (1) the original copy, printed on white paper, which shall be the
 42 abstract of court record for the ~~Indiana bureau of motor vehicles;~~

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commission;

(2) the court copy, printed on white paper;

(3) the police record, which shall be a copy of the complaint,
printed on pink paper; and

(4) the summons copy, printed on white stock.

The reverse sides of the complaint and abstract of court record
shall be substantially as follows, with such additions or deletions as are
necessary to adapt the form to the court involved:

RECEIPT # _____

DATE _____

COURT ACTION AND OTHER ORDERS

BAIL \$ _____

REARREST BOND \$ _____ DATE _____

1. CONTINUANCE TO _____ 4. CONTINUANCE TO _____

2. CONTINUANCE TO _____ 5. CONTINUANCE TO _____

3. CONTINUANCE TO _____ 6. CONTINUANCE TO _____

	Motions	Date	Ruling	Date
1.	___	___	___	___
2.	___	___	___	___
3.	___	___	___	___
4.	___	___	___	___

PLEA ☐ ADMIT☐ DENY☐ NOLO CONTENDEREFINDING ☐ JUDGMENT FOR PLAINTIFF☐ JUDGMENT FOR DEFENDANT

THE COURT THEREFORE, ENTERS

THE FOLLOWING ORDER

FINE \$ _____ AMOUNT SUSP. \$ _____

(STATE) \$ _____

COSTS

(CITY) \$ _____

☐ RECOMMENDED LICENSE SUSPENDED FOR _____
☐ PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR
PROBATION

JUDGE: _____

DATE: _____

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1 ATTORNEY FOR DEFENDANT _____
 2 ADDRESS _____ TELEPHONE _____
 3 WITNESSES
 4 _____
 5 _____

6 The notice, appearance, plea of either admission, denial, or nolo
 7 contendere shall be printed on the summons. The trimmed size of the
 8 paper and stock on which the form is printed shall be nominally four
 9 and one quarter (4 1/4) inches by eight and one quarter (8 1/4) inches.

10 (d) The complaint form shall be used in traffic cases, whether the
 11 charge is made by a law enforcement officer or by any other person.

12 (e) Each judicial officer or police authority issuing traffic
 13 complaints and summons:

14 (1) is responsible for the disposition of all the traffic complaints
 15 and summons issued under the authority of the officer or
 16 authority; and

17 (2) shall prepare and submit the records and reports relating to the
 18 traffic complaints in the manner and at the time prescribed by
 19 both the state examiner of the state board of accounts and the
 20 ~~bureau~~ **commission**.

21 SECTION 48. IC 9-30-3-8, AS AMENDED BY P.L.206-2007,
 22 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2009]: Sec. 8. (a) The court may issue a warrant for the arrest
 24 of a defendant who is an Indiana resident and who fails to appear or
 25 answer a traffic information and summons or a complaint and summons
 26 served upon the defendant. If the warrant is not executed within thirty
 27 (30) days after issue, the court shall promptly forward the court copy
 28 of the traffic information and summons or complaint and summons to
 29 the ~~bureau~~ **commission** indicating that the defendant failed to appear
 30 in court as ordered. The court shall then mark the case as failure to
 31 appear on the court's records.

32 (b) If a defendant who is not an Indiana resident fails to appear or
 33 answer a traffic summons served upon the defendant and upon which
 34 the information or complaint has been filed thirty (30) days after the
 35 return date of the information and summons or complaint and
 36 summons, the court shall promptly forward the court copy of the traffic
 37 information and summons or complaint and summons to the ~~bureau~~
 38 **commission**. The ~~bureau~~ **commission** shall notify the motor vehicle
 39 commission of the state of the nonresident defendant of the defendant's
 40 failure to appear and also of any action taken by the ~~bureau~~
 41 **commission** relative to the Indiana driving privileges of the defendant.
 42 If the defendant fails to appear or otherwise answer within thirty (30)

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1 days, the court shall mark the case as failure to appear on the court's
2 records.

3 (c) If the ~~bureau~~ **commission** receives a copy of the traffic
4 information and summons or complaint and summons for failure to
5 appear in court either on a form prescribed by the ~~bureau~~ **commission**
6 or in an electronic format prescribed by the division of state court
7 administration, the ~~bureau~~ **commission** shall suspend the driving
8 privileges of the defendant until the defendant appears in court and the
9 case has been disposed of. The order of suspension may be served upon
10 the defendant by mailing the order by first class mail to the defendant
11 at the last address shown for the defendant in the records of the ~~bureau~~
12 **commission**. The order takes effect on the date the order is mailed.

13 (d) For nonresidents of Indiana, the order of suspension shall be
14 mailed to the defendant at the address given to the arresting officer by
15 the defendant as shown by the traffic information or complaint. The
16 order takes effect on the date of mailing. A copy of the order shall also
17 be sent to the motor vehicle bureau of the state of the nonresident
18 defendant. If:

19 (1) the defendant's failure to appear in court has been certified to
20 the ~~bureau~~ **commission** under this chapter; and

21 (2) the defendant subsequently appears in court to answer the
22 charges against the defendant;

23 the court shall proceed to hear and determine the case in the same
24 manner as other cases pending in the court. Upon final determination
25 of the case, the court shall notify the ~~bureau~~ **commission** of the
26 determination either in an electronic format or upon forms prescribed
27 by the ~~bureau~~ **commission**. The notification shall be made by the court
28 within ten (10) days after the final determination of the case, and
29 information from the original copy of the traffic information and
30 summons or complaint and summons must accompany the notification.

31 SECTION 49. IC 9-30-3-11, AS AMENDED BY P.L.206-2007,
32 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2009]: Sec. 11. (a) Before accepting a plea of guilty to a
34 misdemeanor traffic offense, the court shall inform the defendant of the
35 defendant's rights, including the right to:

36 (1) engage counsel;

37 (2) a reasonable continuance to engage counsel to subpoena
38 witnesses;

39 (3) have process issued by the court, without expense to the
40 defendant, to compel the attendance of witnesses in the
41 defendant's behalf;

42 (4) testify or not to testify in the defendant's own behalf;

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(5) a trial by jury; and

(6) appeal.

(b) The court shall inform each defendant charged with a traffic offense other than a nonmoving traffic offense, if the defendant is convicted or judgment is entered against the defendant, that a record of the conviction or judgment will be sent to the ~~bureau~~ **commission** or the motor vehicle bureau of the state where the defendant received a license to drive to become a part of the defendant's driving record.

(c) The court shall keep a full record of every case in which a person is charged with a traffic offense other than a nonmoving traffic offense. Within ten (10) days after the conviction, judgment, or forfeiture of security deposit of a person, the court shall forward a copy of the judgment in an electronic format or an abstract as prescribed by IC 9-25-6-8. The abstract comprises the original copy of the traffic information and summons or complaint and summons if the conviction, judgment, or forfeiture of security deposit has been entered on that copy. However, instead of the original copy, the court may, subject to the approval of the ~~bureau~~, **commission**, send the information in an electronic format or in the form of a chemical based, magnetic, or machine readable media. Records of nonmoving traffic offenses are not required to be forwarded to the ~~bureau~~. **commission**.

(d) One (1) year after the abstract has been forwarded, the court may destroy the remaining court copies of the information and summons or complaint and summons and related pleadings if an order book entry of the copy has been made and the original copy has been sent to the ~~bureau of motor vehicles~~. **commission**.

(e) Upon the failure of a court officer to comply with subsection (c), the officer is liable on the officer's official bond for a civil penalty of one hundred dollars (\$100) accruing to the state, which may be recovered, together with the costs of the suit, in a civil action brought by the attorney general in the name of the state on relation of the attorney general. Each failure by an officer constitutes a separate cause of action.

SECTION 50. IC 9-30-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) If during any twelve (12) month period a person has committed moving traffic violations for which the person has:

- (1) been convicted of at least two (2) traffic misdemeanors;
- (2) had at least two (2) traffic judgments entered against the person; or
- (3) been convicted of at least one (1) traffic misdemeanor and has had at least one (1) traffic judgment entered against the person;

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the ~~bureau~~ **commission** may require the person to attend and satisfactorily complete a defensive driving school program. The person shall pay all applicable fees required by the ~~bureau~~ **commission**.

(b) This subsection applies to an individual who holds a probationary license under IC 9-24-11-3 or is less than eighteen (18) years of age. An individual is required to attend and satisfactorily complete a defensive driving school program if either of the following occurs at least twice or if both of the following have occurred:

(1) The individual has been convicted of a moving traffic offense (as defined in section 14(a) of this chapter), other than an offense that solely involves motor vehicle equipment.

(2) The individual has been the operator of a motor vehicle involved in an accident for which a report is required to be filed under IC 9-26-2.

The individual shall pay all applicable fees required by the ~~bureau~~ **commission**.

(c) The ~~bureau~~ **commission** may suspend the driving license of any person who:

(1) fails to attend a defensive driving school program; or

(2) fails to satisfactorily complete a defensive driving school program;

as required by this section.

(d) Notwithstanding IC 33-37-4-2, any court may suspend one-half (1/2) of each applicable court cost for which a person is liable due to a traffic violation if the person enrolls in and completes a defensive driving school or a similar school conducted by an agency of the state or local government.

SECTION 51. IC 9-30-3-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. In a proceeding, prosecution, or hearing where the prosecuting attorney must prove that the defendant had a prior conviction for an offense under this title, the relevant portions of a certified computer printout or electronic copy as set forth in IC 9-14-3-4 made from the records of the ~~bureau~~ **commission** are admissible as prima facie evidence of the prior conviction. However, the prosecuting attorney must establish that the document identifies the defendant by the defendant's driving license number or by any other identification method utilized by the ~~bureau~~ **commission**.

SECTION 52. IC 9-30-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) If a person has been found to have committed a traffic offense, the court may do the following:

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(1) Require the person to attend and satisfactorily complete a driver improvement course that has been approved by the court and the ~~bureau~~ **commission** or by the ~~bureau~~ **commission**.

(2) Place the person on probation for up to one (1) year.

(3) Suspend the person's driver's license for up to thirty (30) days.

(b) A driver improvement course required under subsection (a) may be financed by assessing a reasonable charge as determined by the course provider and approved by the ~~bureau~~ **commission**.

SECTION 53. IC 9-30-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. Upon any reasonable ground appearing on the records of the ~~bureau~~ **commission**, the ~~bureau~~ **commission** may do the following:

(1) Suspend or revoke the current driving license of any person.

(2) Suspend or revoke the certificate of registration and license plate for any motor vehicle.

SECTION 54. IC 9-30-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. The ~~bureau~~ **commission** may modify, amend, or cancel any order or determination during the time within which a judicial review could be had. A person aggrieved by the modification, amendment, or cancellation may seek a judicial review as provided in this chapter.

SECTION 55. IC 9-30-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) A person aggrieved by an order or act of the ~~bureau~~ **commission** under section 1 or 2 of this chapter may, within fifteen (15) days after notice is given, file a petition in the circuit or superior court of the county in which the person resides. If the person is a nonresident, the person may file a petition for review in the Marion circuit court.

(b) The petitioner must state facts showing how the order or act of the ~~bureau~~ **commission** is wrongful or unlawful, but the filing of a petition does not suspend the order or act unless a stay is allowed by a judge of the court pending final determination of the review on a showing of reasonable probability that the order or act is wrongful or unlawful.

(c) The court shall, within six (6) months of the date of the filing of the petition, hear the petition, take testimony, and examine the facts of the case. The court may, in disposing of the issues, modify, affirm, or reverse the order or act of the ~~bureau~~ **commission** in whole or in part and shall make an appropriate order. If the petition has not been heard within six (6) months from the date of the filing, the original order or act of the ~~bureau~~ **commission** shall be reinstated in full force and effect.

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1 SECTION 56. IC 9-30-4-4 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. On the filing of a
 3 petition for judicial review, the cause shall be docketed by the clerk of
 4 the court in the name of the petitioner against the ~~bureau~~ **commission**.
 5 The issues shall be considered closed by denial of all matters at issue
 6 without the necessity of filing any further pleadings. Changes of venue
 7 from the judge or from the county shall be granted either party under
 8 the law governing changes of venue in civil causes. The ~~bureau~~
 9 **commission** is not liable or taxable for any cost in any action for
 10 judicial review.

11 SECTION 57. IC 9-30-4-5 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. An appeal from the
 13 judgment of the court may be prosecuted by either party to the supreme
 14 court as in civil causes if a notice of intention to appeal is filed with the
 15 supreme court within a period of fifteen (15) days from the date of the
 16 judgment, together with an appeal bond conditioned that the appellant
 17 will duly prosecute the appeal and pay all costs if the decision of the
 18 supreme court is determined against the appellant with surety approved
 19 by the court. No bond is required of the ~~bureau~~ **commission**.

20 SECTION 58. IC 9-30-4-6 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) Whenever the
 22 ~~bureau~~ **commission** suspends or revokes the current driver's license
 23 upon receiving a record of the conviction of a person for any offense
 24 under the motor vehicle laws not enumerated under subsection (b), the
 25 ~~bureau~~ **commission** may also suspend any of the certificates of
 26 registration and license plates issued for any motor vehicle registered
 27 in the name of the person so convicted. However, the ~~bureau~~
 28 **commission** may not suspend the evidence of registration, unless
 29 otherwise required by law, if the person has given or gives and
 30 maintains during the three (3) years following the date of suspension
 31 or revocation proof of financial responsibility in the future in the
 32 manner specified in this section.

33 (b) The ~~bureau~~ **commission** shall suspend or revoke without notice
 34 or hearing the current driver's license and all certificates of registration
 35 and license plates issued or registered in the name of a person who is
 36 convicted of any of the following:

- 37 (1) Manslaughter or reckless homicide resulting from the
- 38 operation of a motor vehicle.
- 39 (2) Perjury or knowingly making a false affidavit to the
- 40 department under this chapter or any other law requiring the
- 41 registration of motor vehicles or regulating motor vehicle
- 42 operation upon the highways.

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(3) A felony under Indiana motor vehicle laws or felony in the commission of which a motor vehicle is used.

(4) Three (3) charges of criminal recklessness involving the use of a motor vehicle within the preceding twelve (12) months.

(5) Failure to stop and give information or assistance or failure to stop and disclose the person's identity at the scene of an accident that has resulted in death, personal injury, or property damage in excess of two hundred dollars (\$200).

(6) Possession, distribution, manufacture, cultivation, transfer, use, or sale of a controlled substance or counterfeit substance, or attempting or conspiring to possess, distribute, manufacture, cultivate, transfer, use, or sell a controlled substance or counterfeit substance.

(c) The license of a person shall also be suspended upon conviction in another jurisdiction for any offense described in ~~subsections~~ **subsection** (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5), except if property damage is less than two hundred dollars (\$200), the ~~bureau~~ **commission** may determine whether the driver's license and certificates of registration and license plates shall be suspended or revoked. The license of a person shall also be suspended upon conviction in another jurisdiction for any offense described in subsection (b)(6).

(d) A suspension or revocation remains in effect and a new or renewal license may not be issued to the person and a motor vehicle may not be registered in the name of the person as follows:

(1) Except as provided in subdivisions (2) and (3), for six (6) months from the date of conviction or on the date on which the person is otherwise eligible for a license, whichever is later. Except as provided in IC 35-48-4-15, this includes a person convicted of a crime for which the person's license is suspended or revoked under subsection (b)(6).

(2) Upon conviction of an offense described in subsection (b)(1), for a fixed period of not less than two (2) years and not more than five (5) years, to be fixed by the ~~bureau~~ **commission** based upon recommendation of the court entering a conviction. A new or reinstated license may not be issued to the person unless that person, within the three (3) years following the expiration of the suspension or revocation, gives and maintains in force at all times during the effective period of a new or reinstated license proof of financial responsibility in the future in the manner specified in this chapter. However, the liability of the insurance carrier under a motor vehicle liability policy that is furnished for proof of financial responsibility in the future as set out in this chapter

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becomes absolute whenever loss or damage covered by the policy occurs, and the satisfaction by the insured of a final judgment for loss or damage is not a condition precedent to the right or obligation of the carrier to make payment on account of loss or damage, but the insurance carrier has the right to settle a claim covered by the policy. If the settlement is made in good faith, the amount shall be deductive from the limits of liability specified in the policy. A policy may not be canceled or annulled with respect to a loss or damage by an agreement between the carrier and the insured after the insured has become responsible for the loss or damage, and a cancellation or annulment is void. The policy may provide that the insured or any other person covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions, or conditions of the policy. If the policy provides for limits in excess of the limits specified in this chapter, the insurance carrier may plead against any plaintiff, with respect to the amount of the excess limits of liability, any defenses that the carrier may be entitled to plead against the insured. The policy may further provide for prorating of the insurance with other applicable valid and collectible insurance. An action does not lie against the insurance carrier by or on behalf of any claimant under the policy until a final judgment has been obtained after actual trial by or on behalf of any claimant under the policy.

(3) For the period ordered by a court under IC 35-48-4-15.

(e) The ~~bureau~~ **commission** may take action as required in this section upon receiving satisfactory evidence of a conviction of a person in another state.

(f) For the purpose of this chapter, "conviction" includes any of the following:

- (1) A conviction upon a plea of guilty.
- (2) A determination of guilt by a jury or court, even if:
 - (A) no sentence is imposed; or
 - (B) a sentence is suspended.
- (3) A forfeiture of bail, bond, or collateral deposited to secure the defendant's appearance for trial, unless the forfeiture is vacated.
- (4) A payment of money as a penalty or as costs in accordance with an agreement between a moving traffic violator and a traffic violations bureau.

(g) A suspension or revocation under this section or under IC 9-25-6-8 stands pending appeal of the conviction to a higher court and may be set aside or modified only upon the receipt by the ~~bureau~~

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commission of the certificate of the court reversing or modifying the judgment that the cause has been reversed or modified. However, if the suspension or revocation follows a conviction in a court of no record in Indiana, the suspension or revocation is stayed pending appeal of the conviction to a court of record.

(h) A person aggrieved by an order or act of the ~~bureau~~ **commission** under this section or IC 9-25-6-8 may file a petition for a court review.

SECTION 59. IC 9-30-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) A person whose:

(1) operator's or chauffeur's license; or

(2) certificate of registration or license plate;

has been suspended and has not been reinstated shall immediately return the license, certificate of registration, and license plate to the ~~bureau~~ **commission**. A person who knowingly fails to comply with this requirement commits a Class C misdemeanor.

(b) The ~~bureau~~ **commission** may:

(1) take possession of a license, certificate of registration, or license plate upon the suspension; or

(2) direct a law enforcement officer to take possession and return the license, certificate, or license plate to the office of the ~~bureau~~ **commission**.

(c) All law enforcement officers are authorized as agents of the ~~bureau~~ **commission** to seize the license, certificate of registration, and license plate of a person who fails to surrender the license, certificate, or license plate. A law enforcement officer shall notify the ~~bureau~~ **commission** of the seizure.

SECTION 60. IC 9-30-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) A person whose certificate of registration has been suspended or revoked, with restoration or the issuance of a new certificate being contingent upon the furnishing of proof of financial responsibility and who, during the suspension or revocation or in the absence of full authorization from the ~~bureau~~ **commission**, operates the motor vehicle upon a highway or knowingly permits the motor vehicle to be operated by another person upon a highway except as permitted under this chapter commits a Class C misdemeanor.

(b) A person with a restricted license issued by the ~~bureau~~ **commission** who operates a motor vehicle upon a highway in violation of the terms and conditions specified on the restricted license commits a Class C misdemeanor.

SECTION 61. IC 9-30-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) Upon the filing

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of a complaint in writing with the **bureau commission** against a person holding a current driver's license or applying for a current driver's license or a renewal, the **bureau commission** may cite the person for a hearing to consider the suspension or revocation of the license upon any of the following charges:

(1) That the person has committed an offense for the conviction of which mandatory revocation of license is provided.

(2) That the person has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any other person or property damage.

(3) That the person is incompetent to drive a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for the person to drive a motor vehicle.

(4) That the person is a reckless or negligent driver of a motor vehicle or has committed a violation of a motor vehicle law.

(b) Whenever the **bureau commission** issues a citation upon a complaint in writing for any of the reasons set out in this section, the **bureau commission** shall immediately notify the licensee or permit holder of the time and place of the hearing and afford the person an opportunity of a hearing in the county in which the person so cited and against whom the complaint is filed resides before the **bureau commission** or a deputy or an agent of the **bureau commission** designated for the purpose of the hearing. The citation must state the time, date, and place where the hearing will be held and that the licensee or permit holder has the right to appear and to be heard. At the hearing, the **bureau commission** or the deputy or agent may issue an order of suspension or revocation or decline to suspend, revoke, or issue the license or permit.

(c) The **bureau commission** or the deputy or agent may suspend or revoke the current driver's license of a person and any of the certificates of registration and license plates for a motor vehicle or require the person cited to operate for a period of one (1) year under a restricted license and make the reports the **bureau commission** requires.

(d) The **bureau commission** or the deputy or agent may subpoena witnesses, administer oaths, and take testimony. The failure of the defendant to appear at the time and place of the hearing after notice as provided in this section does not prevent the hearing, the taking of testimony, and the determination of the matter.

(e) Testimony or a record of suspension or revocation of a current driver's license in the custody of the **bureau commission** following a hearing is not admissible as evidence:

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- (1) in any court in any action at law for negligence; or
 (2) in any civil action brought against a person so cited by the
bureau commission under this chapter.

(f) The **bureau commission** may suspend or revoke the license of an Indiana resident for a period of not more than one (1) year upon receiving notice of the conviction of the person in another state of an offense that, if committed in Indiana, would be grounds for the suspension or revocation of the license. The **bureau commission** may, upon receiving a record of the conviction in Indiana of a nonresident driver of a motor vehicle of an offense under Indiana motor vehicle laws, forward a certified copy of the record to the motor vehicle administrator in the state where the person convicted is a resident.

(g) The **bureau commission** may not suspend a current driver's license for more than one (1) year and upon suspending or revoking any license shall require that the license be surrendered to the **bureau commission**.

(h) A suspension or revocation under this section stands pending any proceeding for review of an action of the **bureau commission** taken under this section.

(i) In addition to any other power, the **bureau commission** may modify, amend, or cancel any order or determination during the time within which a judicial review could be had. A person aggrieved by the order or act may have a judicial review under sections 10 and 11 of this chapter.

SECTION 62. IC 9-30-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) A person whose current driver's license or permit or certificate of registration has been suspended or revoked by the **bureau commission** under section 9 of this chapter may file a petition within thirty (30) days for a hearing in the matter in a circuit or superior court in the county in which the person resides. The court has jurisdiction and shall set the matter for hearing after fifteen (15) days written notice to the **bureau commission**. The court shall conduct a hearing on the petition, take testimony, and examine into the facts of the case de novo and determine whether the action of the **bureau commission** complained of was erroneous and make an appropriate order or decree as provided in this chapter.

(b) Every action for a court review or appeal under this chapter shall be tried by the court and not by a jury. The court shall, without any requests, make, sign, and file a special finding of facts in writing and shall state in writing its conclusions of law. The court shall immediately, after ruling on any motion for a new trial duly filed,

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render judgment in accordance with the conclusions of law stated in the special findings of facts. Exceptions to conclusions of law may be taken by an entry of the exceptions at any time before judgment.

SECTION 63. IC 9-30-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) On the filing of a petition under section 10 of this chapter for judicial review, the cause shall be docketed by the clerk of the court in the name of the petitioner against the ~~bureau~~ **commission**. The issues shall be considered closed by denial of all matters at issue without the necessity of filing any further pleadings. Changes of venue from the judge or from the county shall be granted either party under the law governing changes of venue in civil causes. The ~~bureau~~ **commission** is not liable or taxable for any costs in any action for judicial review.

(b) An appeal from the judgment of the court may be prosecuted by either party as in civil causes, provided a notice of intention to appeal is filed with the court within fifteen (15) days from the date of the judgment, together with an appeal bond conditioned that the appellant will duly prosecute the appeal and pay all costs if the decision of the court having appellate jurisdiction over the appeal is determined against the appellant with surety approved by the court. A bond is not required of the ~~bureau~~ **commission**.

(c) IC 4-21.5 does not apply to this chapter. A court does not have jurisdiction to review any order or act of the ~~bureau~~ **commission** except as provided for in this chapter, any other law to the contrary, regardless of the date of enactment of the other law.

SECTION 64. IC 9-30-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) Whenever the ~~bureau~~ **commission** is authorized or required to give notice under this chapter or any other law regulating the operation of vehicles, unless a different method of giving notice is otherwise expressly prescribed, the notice may be given either by personal delivery to the person to be notified or by deposit with the United States Postal Service of the notice by first class mail.

(b) A person who, after notification, fails to return or surrender to the ~~bureau~~ **commission** upon demand a suspended, revoked, or canceled current driver's license or certificate of registration commits a Class C misdemeanor. The ~~bureau~~ **commission** may file an affidavit with the prosecuting attorney of the county in which the person resides charging the person with the offense.

SECTION 65. IC 9-30-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. The ~~bureau~~ **commission** may adopt rules under IC 4-22-2 to administer this

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1 chapter.

2 SECTION 66. IC 9-30-5-6 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) A person who
4 operates a vehicle in violation of any term of a probationary license
5 issued under this chapter, IC 9-30-6, or IC 9-30-9 commits a Class C
6 infraction.

7 (b) In addition to any other penalty imposed under this section, the
8 court may suspend the person's driving privileges for a period of not
9 more than one (1) year.

10 (c) The ~~bureau~~ **commission** shall send notice of a judgment entered
11 under this section to the court that granted the defendant probationary
12 driving privileges.

13 SECTION 67. IC 9-30-5-10, AS AMENDED BY P.L.126-2008,
14 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2009]: Sec. 10. (a) In addition to a criminal penalty imposed
16 for an offense under this chapter or IC 14-15-8, the court shall, after
17 reviewing the ~~person's bureau~~ **driving record of the person maintained**
18 **by the commission** and other relevant evidence, recommend the
19 suspension of the person's driving privileges for the fixed period of
20 time specified under this section. The court may require that a period
21 of suspension recommended under this section be imposed, if
22 applicable, before a period of incarceration or after a period of
23 incarceration, or both before and after a period of incarceration, as long
24 as the suspension otherwise complies with the periods established in
25 this section.

26 (b) If the court finds that the person:

27 (1) does not have a previous conviction of operating a vehicle or
28 a motorboat while intoxicated; or

29 (2) has a previous conviction of operating a vehicle or a
30 motorboat while intoxicated that occurred at least ten (10) years
31 before the conviction under consideration by the court;

32 the court shall recommend the suspension of the person's driving
33 privileges for at least ninety (90) days but not more than two (2) years.

34 (c) If the court finds that the person has a previous conviction of
35 operating a vehicle or a motorboat while intoxicated and the previous
36 conviction occurred more than five (5) years but less than ten (10)
37 years before the conviction under consideration by the court, the court
38 shall recommend the suspension of the person's driving privileges for
39 at least one hundred eighty (180) days but not more than two (2) years.
40 The court may stay the execution of that part of the suspension that
41 exceeds the minimum period of suspension and grant the person
42 probationary driving privileges for a period of time equal to the length

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1 of the stay.

2 (d) If the court finds that the person has a previous conviction of
 3 operating a vehicle or a motorboat while intoxicated and the previous
 4 conviction occurred less than five (5) years before the conviction under
 5 consideration by the court, the court shall recommend the suspension
 6 of the person's driving privileges for at least one (1) year but not more
 7 than two (2) years. The court may stay the execution of that part of the
 8 suspension that exceeds the minimum period of suspension and grant
 9 the person probationary driving privileges for a period of time equal to
 10 the length of the stay. If the court grants probationary driving privileges
 11 under this subsection, the court shall order that the probationary driving
 12 privileges include the requirement that the person may not operate a
 13 motor vehicle unless the motor vehicle is equipped with a functioning
 14 certified ignition interlock device under IC 9-30-8. However, the court
 15 may grant probationary driving privileges under this subsection without
 16 requiring the installation of an ignition interlock device if the person is
 17 successfully participating in a court supervised alcohol treatment
 18 program in which the person is taking disulfiram or a similar substance
 19 that the court determines is effective in treating alcohol abuse. The
 20 person granted probationary driving privileges under this subsection
 21 shall pay all costs associated with the installation of an ignition
 22 interlock device unless the sentencing court determines that the person
 23 is indigent.

24 (e) If the conviction under consideration by the court is for an
 25 offense under:

- 26 (1) section 4 of this chapter;
- 27 (2) section 5 of this chapter;
- 28 (3) IC 14-15-8-8(b); or
- 29 (4) IC 14-15-8-8(c);

30 the court shall recommend the suspension of the person's driving
 31 privileges for at least two (2) years but not more than five (5) years.

32 (f) If the conviction under consideration by the court is for an
 33 offense involving the use of a controlled substance listed in schedule
 34 I, II, III, IV, or V of IC 35-48-2, in which a vehicle was used in the
 35 offense, the court shall recommend the suspension or revocation of the
 36 person's driving privileges for at least six (6) months.

37 SECTION 68. IC 9-30-5-11, AS AMENDED BY P.L.153-2005,
 38 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2009]: Sec. 11. (a) If a court grants a person probationary
 40 driving privileges under section 12 of this chapter, the person may
 41 operate a vehicle only as follows:

- 42 (1) To and from the person's place of employment.

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(2) For specific purposes in exceptional circumstances.

(3) To and from a court-ordered treatment program.

(b) If the court grants the person probationary driving privileges under section 12(a) of this chapter, that part of the court's order granting probationary driving privileges does not take effect until the person's driving privileges have been suspended for at least thirty (30) days under IC 9-30-6-9.

(c) The court shall notify a person who is granted probationary driving privileges of the following:

(1) That the probationary driving period commences when the ~~bureau~~ **commission** issues the probationary license.

(2) That the ~~bureau~~ **commission** may not issue a probationary license until the ~~bureau~~ **commission** receives a reinstatement fee from the person, if applicable, and the person otherwise qualifies for a license.

SECTION 69. IC 9-30-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The ~~bureau~~ **commission** shall adopt rules under IC 4-22-2 necessary to carry out this chapter, IC 9-30-5, IC 9-30-9, or IC 9-30-15.

SECTION 70. IC 9-30-6-4.3, AS AMENDED BY P.L.1-2007, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4.3. (a) This section applies only to a person whose motor vehicle has been seized under ~~IC 34-24-1-1(15)~~. **IC 34-24-1-1(a)(15)**.

(b) If the ~~bureau~~ **commission** receives an order from a court recommending that the ~~bureau~~ **commission** not register a motor vehicle in the name of a person whose motor vehicle has been seized under ~~IC 34-24-1-1(15)~~, **IC 34-24-1-1(a)(15)**, the ~~bureau~~ **commission** may not register a motor vehicle in the name of the person whose motor vehicle has been seized until the person proves that the person possesses a current driving license.

SECTION 71. IC 9-30-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) If a person refuses to submit to a chemical test, the arresting officer shall inform the person that refusal will result in the suspension of the person's driving privileges.

(b) If a person refuses to submit to a chemical test after having been advised that the refusal will result in the suspension of driving privileges or submits to a chemical test that results in prima facie evidence of intoxication, the arresting officer shall do the following:

(1) Obtain the person's driver's license or permit if the person is in possession of the document and issue a receipt valid until the

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initial hearing of the matter held under IC 35-33-7-1.

(2) Submit a probable cause affidavit to the prosecuting attorney of the county in which the alleged offense occurred.

(3) Send a copy of the probable cause affidavit submitted under subdivision (2) to the ~~bureau~~ **commission**.

SECTION 72. IC 9-30-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) Whenever a judicial officer has determined that there was probable cause to believe that a person has violated IC 9-30-5 or IC 14-15-8, the clerk of the court shall forward:

(1) a copy of the affidavit; and

(2) a ~~bureau~~ **commission** certificate as described in section 16 of this chapter;

to the ~~bureau~~ **commission**.

(b) The probable cause affidavit required under section 7(b)(2) of this chapter must do the following:

(1) Set forth the grounds for the arresting officer's belief that there was probable cause that the arrested person was operating a vehicle in violation of IC 9-30-5 or a motorboat in violation of IC 14-15-8.

(2) State that the person was arrested for a violation of IC 9-30-5 or operating a motorboat in violation of IC 14-15-8.

(3) State whether the person:

(A) refused to submit to a chemical test when offered; or

(B) submitted to a chemical test that resulted in prima facie evidence that the person was intoxicated.

(4) Be sworn to by the arresting officer.

(c) Except as provided in subsection (d), if it is determined under subsection (a) that there was probable cause to believe that a person has violated IC 9-30-5 or IC 14-15-8, at the initial hearing of the matter held under IC 35-33-7-1:

(1) the court shall recommend immediate suspension of the person's driving privileges to take effect on the date the order is entered;

(2) the court shall order the person to surrender all driver's licenses, permits, and receipts; and

(3) the clerk shall forward the following to the ~~bureau~~ **commission**:

(A) The person's license or permit surrendered under this section or section 3 or 7 of this chapter.

(B) A copy of the order recommending immediate suspension of driving privileges.

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(d) If it is determined under subsection (a) that there is probable cause to believe that a person violated IC 9-30-5, the court may, as an alternative to a license suspension under subsection (c)(1), issue an order recommending that the person be prohibited from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8 until the ~~bureau~~ **commission** is notified by a court that the criminal charges against the person have been resolved.

SECTION 73. IC 9-30-6-8.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8.5. (a) If the ~~bureau~~ **commission** receives an order recommending use of an ignition interlock device under section 8(d) of this chapter, the ~~bureau~~ **commission** shall immediately do the following:

(1) Mail a notice to the person's last known address stating that the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8 commencing:

(A) five (5) days after the date of the notice; or

(B) on the date the court enters an order recommending use of an ignition interlock device;

whichever occurs first.

(2) Notify the person of the right to a judicial review under section 10 of this chapter.

(b) Notwithstanding IC 4-21.5, an action that the ~~bureau~~ **commission** is required to take under this section is not subject to any administrative adjudication under IC 4-21.5.

SECTION 74. IC 9-30-6-9, AS AMENDED BY P.L.94-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) This section does not apply if an ignition interlock device order is issued under section 8(d) of this chapter.

(b) If the affidavit under section 8(b) of this chapter states that a person refused to submit to a chemical test, the ~~bureau~~ **commission** shall suspend the driving privileges of the person:

(1) for:

(A) one (1) year; or

(B) if the person has at least one (1) previous conviction for operating while intoxicated, two (2) years; or

(2) until the suspension is ordered terminated under IC 9-30-5.

(c) If the affidavit under section 8(b) of this chapter states that a chemical test resulted in prima facie evidence that a person was intoxicated, the ~~bureau~~ **commission** shall suspend the driving privileges of the person:

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1 (1) for one hundred eighty (180) days; or
 2 (2) until the **bureau commission** is notified by a court that the
 3 charges have been disposed of;
 4 whichever occurs first.

5 (d) Whenever the **bureau commission** is required to suspend a
 6 person's driving privileges under this section, the **bureau commission**
 7 shall immediately do the following:

8 (1) Mail a notice to the person's last known address that must state
 9 that the person's driving privileges will be suspended for a
 10 specified period, commencing:

11 (A) five (5) days after the date of the notice; or

12 (B) on the date the court enters an order recommending
 13 suspension of the person's driving privileges under section 8(c)
 14 of this chapter;

15 whichever occurs first.

16 (2) Notify the person of the right to a judicial review under
 17 section 10 of this chapter.

18 (e) Notwithstanding IC 4-21.5, an action that the **bureau**
 19 **commission** is required to take under this article is not subject to any
 20 administrative adjudication under IC 4-21.5.

21 (f) If a person is granted probationary driving privileges under
 22 IC 9-30-5 and the **bureau commission** has not received the probable
 23 cause affidavit described in section 8(b) of this chapter, the **bureau**
 24 **commission** shall suspend the person's driving privileges for a period
 25 of thirty (30) days. After the thirty (30) day period has elapsed, the
 26 **bureau commission** shall, upon receiving a reinstatement fee, if
 27 applicable, from the person who was granted probationary driving
 28 privileges, issue the probationary license if the person otherwise
 29 qualifies for a license.

30 (g) If the **bureau commission** receives an order granting
 31 probationary driving privileges to a person who has a prior conviction
 32 for operating while intoxicated, the **bureau commission** shall do the
 33 following:

34 (1) Issue the person a probationary license and notify the
 35 prosecuting attorney of the county from which the order was
 36 received that the person is not eligible for a probationary license.

37 (2) Send a certified copy of the person's driving record to the
 38 prosecuting attorney.

39 The prosecuting attorney shall, in accordance with IC 35-38-1-15,
 40 petition the court to correct the court's order. If the **bureau commission**
 41 does not receive a corrected order within sixty (60) days, the **bureau**
 42 **commission** shall notify the attorney general, who shall, in accordance

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with IC 35-38-1-15, petition the court to correct the court's order.

SECTION 75. IC 9-30-6-10, AS AMENDED BY P.L.2-2005, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) A person against whom an ignition interlock device order has been issued under section 8.5 of this chapter or whose driving privileges have been suspended under section 9 of this chapter is entitled to a prompt judicial hearing. The person may file a petition that requests a hearing:

(1) in the court where the charges with respect to the person's operation of a vehicle are pending; or

(2) if charges with respect to the person's operation of a vehicle have not been filed, in any court of the county where the alleged offense or refusal occurred that has jurisdiction over crimes committed in violation of IC 9-30-5.

(b) The petition for review must:

(1) be in writing;

(2) be verified by the person seeking review; and

(3) allege specific facts that contradict the facts alleged in the probable cause affidavit.

(c) The hearing under this section shall be limited to the following issues:

(1) Whether the arresting law enforcement officer had probable cause to believe that the person was operating a vehicle in violation of IC 9-30-5.

(2) Whether the person refused to submit to a chemical test offered by a law enforcement officer.

(d) If the court finds:

(1) that there was no probable cause; or

(2) that the person's driving privileges were suspended under section 9(b) of this chapter and that the person did not refuse to submit to a chemical test;

the court shall order the ~~bureau~~ **commission** to rescind the ignition interlock device requirement or reinstate the person's driving privileges.

(e) The prosecuting attorney of the county in which a petition has been filed under this chapter shall represent the state on relation of the ~~bureau~~ **commission** with respect to the petition.

(f) The petitioner has the burden of proof by a preponderance of the evidence.

(g) The court's order is a final judgment appealable in the manner of civil actions by either party. The attorney general shall represent the state on relation of the ~~bureau~~ **commission** with respect to the appeal.

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SECTION 76. IC 9-30-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) Notwithstanding any other provision of this chapter, IC 9-30-5, or IC 9-30-9, the court shall order the ~~bureau~~ **commission** to rescind an ignition interlock device requirement or reinstate the driving privileges of a person if:

(1) all of the charges under IC 9-30-5 have been dismissed and the prosecuting attorney states on the record that no charges will be refiled against the person;

(2) the court finds the allegations in a petition filed by a defendant under section 18 of this chapter are true; or

(3) the person:

(A) did not refuse to submit to a chemical test offered as a result of a law enforcement officer having probable cause to believe the person committed the offense charged; and

(B) has been found not guilty of all charges by a court or by a jury.

(b) The court's order must contain findings of fact establishing that the requirements for reinstatement described in subsection (a) have been met.

(c) A person whose driving privileges are reinstated under this section is not required to pay a reinstatement fee.

SECTION 77. IC 9-30-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) If a court recommends suspension of the driving privileges under this chapter, IC 9-30-5, or IC 9-30-9:

(1) the ~~bureau~~ **commission** shall comply with the recommendation of suspension, and the driving privileges of the person remain suspended for the period set by the court; and

(2) the person shall surrender to the court all licenses, permits, or receipts issued to the person, and the court shall immediately forward the licenses, permits, or receipts to the ~~bureau~~ **commission** with the abstract of conviction or judgment.

(b) During the three (3) years following the termination of the suspension, the person's driving privileges remain suspended until the person provides proof of financial responsibility in force under IC 9-25.

(c) If at any time during the three (3) years following the termination of the suspension imposed under subsection (a) a person who has provided proof of financial responsibility under IC 9-25 fails to maintain the proof, the ~~bureau~~ **commission** shall suspend the person's driving privileges until the person again provides proof of financial responsibility under IC 9-25.

(d) An agency action under this section is not subject to IC 4-21.5.

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SECTION 78. IC 9-30-6-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. If a court orders the ~~bureau~~ **commission** to rescind an ignition interlock device requirement or reinstate a person's driving privileges under this article, the ~~bureau~~ **commission** shall comply with the order. Unless the order for reinstatement is issued under section ~~11(2)~~ **11(a)(2)** of this chapter, the ~~bureau~~ **commission** shall also do the following:

(1) Remove any record of the ignition interlock device requirement or suspension from the ~~bureau's~~ **commission's** recordkeeping system.

(2) Reinstate the privileges without cost to the person.

SECTION 79. IC 9-30-6-13.5, AS AMENDED BY P.L.2-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13.5. Whenever a case filed under IC 9-30-5 is terminated in favor of the defendant and the defendant's driving privileges were suspended under section 9(c) of this chapter, the ~~bureau~~ **commission** shall remove any record of the suspension, including the reason for suspension, from the defendant's official driving record.

SECTION 80. IC 9-30-6-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. In a proceeding under this article:

(1) a certified copy of a person's driving record obtained from the ~~bureau;~~ **commission;** or

(2) a certified copy of a court record concerning a previous conviction;

constitutes prima facie evidence that the person has a previous conviction of operating while intoxicated.

SECTION 81. IC 9-30-6-16, AS AMENDED BY P.L.2-2005, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. The ~~bureau~~ **commission** certificate must contain the following information and may be substantially in the following form:

**BUREAU OF MOTOR VEHICLES COMMISSION
CERTIFICATE**

Date of Arrest	Time	Driver's License No.	License State
	a.m.		
/ /	p.m.		
Name: (first)	(M.I.)	(last)	Date of Birth
	/ /		
CURRENT Address (street, city, state, zip)			
Court Code	Cause Number	Sex	Weight Height Eyes Hair



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The above motorist **BUREAU COMMISSION**
USE ONLY

REFUSED alcohol test

FAILED alcohol test 0.%

Court Determination

It has been determined there was probable cause the defendant violated
IC 9-30-5 this _____ day of _____, 20__ and that
charges are pending herein.

_____ Court _____ County

Judge's Signature

SECTION 82. IC 9-30-8-3 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The ~~bureau~~
commission shall adopt rules under IC 4-22-2 to establish standards
and specifications for an ignition interlock device, the installation of
which the courts may mandate under IC 9-30-5-16. The standards and
specifications must require at a minimum that the device meets the
following requirements:

- (1) Is accurate.
- (2) Does not impede the safe operation of a vehicle.
- (3) Provides a minimum opportunity to be bypassed.
- (4) Shows evidence of tampering if tampering is attempted.
- (5) Has a label affixed warning that a person tampering with or
misusing the device is subject to a civil penalty.

SECTION 83. IC 9-30-8-5 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. If a court orders a
person under IC 9-30-5-16 to operate only a vehicle that is equipped
with an ignition interlock device, the ~~bureau~~ **commission** shall include
that condition when issuing a license.

SECTION 84. IC 9-30-10-2 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. As used in this
chapter, "license" includes any type of license or permit to operate a
motor vehicle issued by the ~~bureau~~ **commission**.

SECTION 85. IC 9-30-10-4 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) A person who has
accumulated at least two (2) judgments within a ten (10) year period
for any of the following violations, singularly or in combination, not
arising out of the same incident, and with at least one (1) violation
occurring after March 31, 1984, is a habitual violator:

- (1) Reckless homicide resulting from the operation of a motor
vehicle.
- (2) Voluntary or involuntary manslaughter resulting from the

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operation of a motor vehicle.

(3) Failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance.

(4) Operation of a vehicle while intoxicated resulting in death.

(5) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood resulting in death.

(6) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath;

resulting in death.

(7) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath;

resulting in death.

(b) A person who has accumulated at least three (3) judgments within a ten (10) year period for any of the following violations, singularly or in combination, not arising out of the same incident, and with at least one (1) violation occurring after March 31, 1984, is a habitual violator:

(1) Operation of a vehicle while intoxicated.

(2) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood.

(3) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

(4) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

(5) Operating a motor vehicle while the person's license to do so has been suspended or revoked as a result of the person's conviction of an offense under IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-3, or

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1 IC 9-24-19-5.

2 (6) Operating a motor vehicle without ever having obtained a
3 license to do so.

4 (7) Reckless driving.

5 (8) Criminal recklessness involving the operation of a motor
6 vehicle.

7 (9) Drag racing or engaging in a speed contest in violation of law.

8 (10) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46
9 (repealed July 1, 1991), IC 9-26-1-1(1), IC 9-26-1-1(2),
10 IC 9-26-1-1(4), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, or
11 IC 9-26-1-4.

12 (11) Any felony under an Indiana motor vehicle statute or any
13 felony in the commission of which a motor vehicle is used.

14 A judgment for a violation enumerated in subsection (a) shall be added
15 to the violations described in this subsection for the purposes of this
16 subsection.

17 (c) A person who has accumulated at least ten (10) judgments
18 within a ten (10) year period for any traffic violation, except a parking
19 or an equipment violation, of the type required to be reported to the
20 ~~bureau~~, **commission**, singularly or in combination, not arising out of
21 the same incident, and with at least one (1) violation occurring after
22 March 31, 1984, is a habitual violator. However, at least one (1) of the
23 judgments must be for a violation enumerated in subsection (a) or (b).
24 A judgment for a violation enumerated in subsection (a) or (b) shall be
25 added to the judgments described in this subsection for the purposes of
26 this subsection.

27 SECTION 86. IC 9-30-10-5 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) If it appears from
29 the records maintained in the ~~bureau~~ **commission** that a person's
30 driving record makes the person a habitual violator under section 4 of
31 this chapter, the ~~bureau~~ **commission** shall mail a notice to the person's
32 last known address that informs the person that the person's driving
33 privileges will be suspended in thirty (30) days because the person is
34 a habitual violator according to the records of the ~~bureau~~ **commission**.

35 (b) Thirty (30) days after the ~~bureau~~ **commission** has mailed a
36 notice under this section, the ~~bureau~~ **commission** shall suspend the
37 person's driving privileges for:

38 (1) except as provided in subdivision (2), ten (10) years if the
39 person is a habitual violator under section 4(a) of this chapter;

40 (2) life if the person is a habitual violator under section 4(a) of
41 this chapter and has at least two (2) violations under section
42 4(a)(4) through 4(a)(7) of this chapter;

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(3) ten (10) years if the person is a habitual violator under section 4(b) of this chapter; or

(4) five (5) years if the person is a habitual violator under section 4(c) of this chapter.

(c) The notice must inform the person that the person may be entitled to relief under section 6 of this chapter or may seek judicial review of the person's suspension under this chapter.

SECTION 87. IC 9-30-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) A person who has received a notice under section 5 of this chapter may notify the ~~bureau~~, **commission**, in writing on forms provided by the ~~bureau~~, **commission**, that the ~~bureau's~~ **commission's** records contain a material error with respect to the person's driving record. If a person so notifies the ~~bureau~~, **commission**, the ~~bureau~~ **commission** shall, within thirty (30) days after the date the notice was received by the ~~bureau~~, **commission**, determine whether a material error was made with respect to the person's driving record.

(b) If the ~~bureau~~ **commission** determines that a material error was made with respect to the person's driving record, the ~~bureau~~ **commission** shall:

- (1) prevent the suspension of; or
- (2) reinstate;

the person's driving privileges.

(c) The ~~bureau~~ **commission** shall notify the prosecuting attorney of the county where the record originated that the ~~bureau~~ **commission** has determined that a material error exists. The prosecuting attorney is entitled to respond to the ~~bureau's~~ **commission's** determination.

(d) An action taken or a determination made by the ~~bureau~~ **commission** under this chapter is not subject to IC 4-21.5. However, the person may file a petition for judicial review under this chapter.

SECTION 88. IC 9-30-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) A petition for judicial review under this chapter must:

- (1) be verified by the petitioner;
- (2) state the petitioner's age, date of birth, place of residence, and driver's license identification number;
- (3) state the grounds for relief and the relief sought;
- (4) be filed in the county in which the petitioner resides; and
- (5) be filed in a circuit, superior, county, or municipal court.

(b) A summons in an action under this chapter shall be issued and served in the manner provided for civil actions. The prosecuting attorney of the county in which the petition is filed and the ~~bureau~~

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commission shall be served with the summons and a copy of the petition.

(c) In an action under this chapter, the petitioner must bear the burden of proof by a preponderance of the evidence to prevail.

(d) IC 9-30-3-15 and the rules of trial procedure apply in a proceeding under this chapter. However, a responsive pleading is not required when a petition for review has been filed, and a person is not entitled to a change of venue from the county.

(e) The prosecuting attorney of the county in which the petition is filed shall represent the state in relation with the ~~bureau~~ **commission**.

(f) Court costs shall be assessed and paid by the petitioner at the time of filing in an amount equal to the costs assessed in the enforcement of infractions. However, a petitioner who has the petitioner's driving privileges reinstated under section 8 of this chapter is entitled to a refund of all costs paid.

SECTION 89. IC 9-30-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) If a person files a petition for judicial review under section 6 of this chapter, the court shall promptly hold a hearing. The petition must be filed and the hearing must be held in accordance with section 7 of this chapter.

(b) If the court finds that the petitioner is not a habitual violator, the court shall order the ~~bureau~~ **commission** to reinstate the driving privileges of the person.

(c) If the court finds that the petitioner is a habitual violator, the person's driving privileges remain suspended, unless the court places the person on probation under section 9 of this chapter.

SECTION 90. IC 9-30-10-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) After June 30, 2005, this section does not apply to a person who:

- (1) holds a commercial driver's license; and
- (2) has been charged with an offense involving the operation of a motor vehicle in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

(b) If a court finds that a person:

- (1) is a habitual violator under section 4(c) of this chapter;
- (2) has not been previously placed on probation under this section by a court;
- (3) operates a vehicle for commercial or business purposes, and the person's mileage for commercial or business purposes:

- (A) is substantially in excess of the mileage of an average driver; and

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- 1 (B) may have been a factor that contributed to the person's
 2 poor driving record; and
 3 (4) does not have:
 4 (A) a judgment for a violation enumerated in section 4(a) of
 5 this chapter; or
 6 (B) at least three (3) judgments (singularly or in combination
 7 and not arising out of the same incident) of the violations
 8 enumerated in section 4(b) of this chapter;
 9 the court may place the person on probation in accordance with
 10 subsection (d).
 11 (c) If a court finds that a person:
 12 (1) is a habitual violator under section 4(b) of this chapter;
 13 (2) has not been previously placed on probation under this section
 14 by a court;
 15 (3) does not have a judgment for any violation listed in section
 16 4(a) of this chapter;
 17 (4) has had the person's driving privileges suspended under this
 18 chapter for at least five (5) consecutive years; and
 19 (5) has not violated the terms of the person's suspension by
 20 operating a vehicle;
 21 the court may place the person on probation in accordance with
 22 subsection (d). However, if the person has any judgments for operation
 23 of a vehicle before July 1, 2001, while intoxicated or with an alcohol
 24 concentration equivalent to at least ten-hundredths (0.10) gram of
 25 alcohol per one hundred (100) milliliters of the blood or two hundred
 26 ten (210) liters of the breath, or for the operation of a vehicle after June
 27 30, 2001, while intoxicated or with an alcohol concentration equivalent
 28 to at least eight-hundredths (0.08) gram of alcohol per one hundred
 29 (100) milliliters of the blood or two hundred ten (210) liters of the
 30 breath, the court, before the court places a person on probation under
 31 subsection (d), must find that the person has successfully fulfilled the
 32 requirements of a rehabilitation program certified by one (1) or both of
 33 the following:
 34 (A) The division of mental health and addiction.
 35 (B) The Indiana judicial center.
 36 (d) Whenever a court places a habitual violator on probation, the
 37 court:
 38 (1) shall record each of the court's findings under this section in
 39 writing;
 40 (2) shall obtain the person's driver's license or permit and send the
 41 license or permit to the ~~bureau~~ **commission**;
 42 (3) shall direct the person to apply to the ~~bureau~~ **commission** for

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1 a restricted driver's license;

2 (4) shall order the ~~bureau~~ **commission** to issue the person an
3 appropriate license;

4 (5) shall place the person on probation for a fixed period of not
5 less than three (3) years and not more than ten (10) years;

6 (6) shall attach restrictions to the person's driving privileges,
7 including restrictions limiting the person's driving to:

8 (A) commercial or business purposes or other employment
9 related driving;

10 (B) specific purposes in exceptional circumstances; and

11 (C) rehabilitation programs;

12 (7) shall order the person to file proof of financial responsibility
13 for three (3) years following the date of being placed on
14 probation; and

15 (8) may impose other appropriate conditions of probation.

16 (e) If a court finds that a person:

17 (1) is a habitual violator under section 4(b) or 4(c) of this chapter;

18 (2) does not have any judgments for violations under section 4(a)
19 of this chapter;

20 (3) does not have any judgments or convictions for violations
21 under section 4(b) of this chapter, except for judgments or
22 convictions under section 4(b)(5) of this chapter that resulted
23 from driving on a suspended license that was suspended for:

24 (A) the commission of infractions only; or

25 (B) previously driving on a suspended license;

26 (4) has not been previously placed on probation under this section
27 by a court; and

28 (5) has had the person's driving privileges suspended under this
29 chapter for at least three (3) consecutive years and has not
30 violated the terms of the person's suspension by operating a
31 vehicle for at least three (3) consecutive years;

32 the court may place the person on probation under subsection (d).

33 SECTION 91. IC 9-30-10-12 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) Upon the filing
35 of a petition for revocation of probation, the court shall do the
36 following:

37 (1) Set a date for a hearing upon the petition that is not earlier
38 than twenty (20) days nor later than forty-five (45) days from the
39 date of the filing of the petition for review.

40 (2) Hold a hearing on the date set, unless the proceeding is
41 continued by order of the court.

42 (3) Cause notice of the hearing date to be sent to all parties.

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(b) At the hearing, the prosecuting attorney must bear the burden of proof by a preponderance of the evidence to prevail.

(c) If the court finds that the person has violated any terms of the probation, the court shall do the following:

(1) Record each of its findings in writing.

(2) Obtain the person's license.

(3) Order the ~~bureau~~ **commission** to suspend the person's driving privileges for a period equal to the period of suspension originally imposed under section 5 of this chapter.

(4) Not place the person on probation under section 9 of this chapter.

(d) If the court finds that the person has not violated any of the terms of the person's probation, the court shall do the following:

(1) Record each of the court's findings in writing.

(2) Continue the person on probation for the remainder of the probationary period.

(e) The court's findings under subsection (c) or (d) constitute a final judgment from which either party may appeal. An appeal does not act as a stay of the court's findings and orders.

SECTION 92. IC 9-30-10-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) The ~~bureau~~ **commission** may issue a license to operate a motor vehicle to a habitual violator whose driving privileges are suspended under section 5(b) of this chapter if the following conditions exist:

(1) The time specified for the person's probation or the restriction or suspension of the person's license has elapsed.

(2) The person has met all the requirements of all applicable statutes and rules relating to the licensing of motor vehicle operators.

(3) The person files with the ~~bureau~~ **commission** and maintains for three (3) years after filing proof of financial responsibility in accordance with IC 9-25.

(b) The ~~bureau~~ **commission** may issue a license to operate a motor vehicle to a habitual violator whose driving privileges have been suspended for life if the following conditions exist:

(1) The ~~bureau~~ **commission** has received an order for rescission of suspension and reinstatement issued under section 15 of this chapter.

(2) The person to whom the license is to be issued has never been convicted of a violation described in section 4(a) or 17 of this chapter.

(3) The person has not been convicted of an offense under section

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16 of this chapter more than one (1) time.

(4) The person has met all the requirements of all applicable statutes and rules relating to the licensing of motor vehicle operators.

(5) The person files with the ~~bureau~~, **commission**, and maintains for three (3) years after filing, proof of financial responsibility in accordance with IC 9-25.

(c) A habitual violator is not eligible for relief under the hardship provisions of IC 9-24-15.

SECTION 93. IC 9-30-10-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) Except as provided in subsection (e), a person whose driving privileges have been suspended for life may petition a court in a civil action for a rescission of the suspension order and reinstatement of driving privileges if the following conditions exist:

(1) Ten (10) years have elapsed since the date on which an order for the lifetime suspension of the person's driving privileges was issued.

(2) The person has never been convicted of a violation described in section 4(a) of this chapter.

(3) The person has never been convicted of an offense under section 17 of this chapter.

(4) The person has not been convicted of an offense under section 16 of this chapter more than one (1) time.

(b) A petition for rescission and reinstatement under this section must meet the following conditions:

(1) Be verified by the petitioner.

(2) State the petitioner's age, date of birth, and place of residence.

(3) Describe the circumstances leading up to the lifetime suspension of the petitioner's driving privileges.

(4) Aver a substantial change in the petitioner's circumstances of the following:

(A) That indicates the petitioner would no longer pose a risk to the safety of others if the petitioner's driving privileges are reinstated.

(B) That makes the lifetime suspension of the petitioner's driving privileges unreasonable.

(C) Indicates it is in the best interests of society for the petitioner's driving privileges to be reinstated.

(5) Aver that the petitioner has never been convicted of an offense under section 17 of this chapter.

(6) Aver that the petitioner has not been convicted of an offense

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under section 16 of this chapter more than one (1) time.

(7) Aver that the petitioner has never been convicted of a violation described in section 4(a) of this chapter.

(8) Be filed in a circuit or superior court having jurisdiction in the county where the petitioner resides.

(9) If the petition is being filed under subsection (e), aver the existence of the conditions listed in subsection (e)(1) through (e)(3).

(c) The petitioner shall serve the prosecuting attorney of the county where the petitioner resides and the ~~bureau~~ **commission** with a copy of the petition described in subsection (b). A responsive pleading is not required.

(d) The prosecuting attorney of the county where the petitioner resides shall represent the state in the matter.

(e) A person whose driving privileges have been suspended for life may petition a court in a civil action for a rescission of the suspension order and reinstatement of driving privileges if all of the following conditions exist:

(1) Three (3) years have elapsed since the date on which the order for lifetime suspension of the petitioner's driving privileges was issued.

(2) The petitioner's lifetime suspension was the result of driving on a suspended license that was suspended for commission of infractions only or for driving on a suspended license.

(3) The petitioner has never been convicted of a violation described in section 4(a) or 4(b) of this chapter, with the exception of a judgement or conviction under section 4(b)(3) of this chapter.

(4) The petitioner has never been convicted of an offense under section 17 of this chapter.

(5) The petitioner has not been convicted of an offense under section 16 of this chapter more than one (1) time.

SECTION 94. IC 9-30-10-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) Upon receiving a petition filed under section 14 of this chapter, a court shall set a date for hearing the matter and direct the clerk of the court to provide notice of the hearing date to the following:

(1) The petitioner.

(2) The prosecuting attorney of the county where the petitioner resides.

(3) The ~~bureau~~ **commission**.

(b) A court may order the rescission of the order that required the

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suspension of the petitioner's driving privileges for life and may order the ~~bureau~~ **commission** to reinstate the driving privileges of a petitioner whose driving privileges have been suspended for life if, after the hearing of the matter, the court makes the following written findings and conclusions, based on clear and convincing evidence:

(1) That the petitioner has never been convicted of a violation described in section 4(a) of this chapter.

(2) That the petitioner has never been convicted of an offense under section 17 of this chapter.

(3) That the petitioner has not been convicted of an offense under section 16 of this chapter more than one (1) time.

(4) If the person is petitioning the court under section 14(a) of this chapter that ten (10) years have elapsed since the date on which an order was issued that required the suspension of the petitioner's driving privileges for life.

(5) That there has been a substantial change in the petitioner's circumstances indicating the petitioner would no longer pose a risk to the safety of others if the petitioner's driving privileges were reinstated.

(6) That there has been a substantial change in the petitioner's circumstances indicating that the suspension of the petitioner's driving privileges for life has become unreasonable.

(7) That it is in the best interests of society for the petitioner's driving privileges to be reinstated.

(8) If the person is petitioning the court under section 14(e) of this chapter:

(A) that three (3) years have elapsed since the date the order was issued that required the suspension of the petitioner's driving privileges for life; and

(B) that the conditions listed under section 14(e) of this chapter are satisfied.

(c) The petitioner has the burden of proof under this section and an order issued under subsection (b) is a final order, appealable by any party to the action.

(d) In an order for reinstatement of driving privileges issued under this section, the court may require the ~~bureau~~ **commission** to issue to the prevailing petitioner:

(1) a license to operate a motor vehicle under section 13(b) of this chapter; or

(2) a restricted driving license for a time and subject to conditions specified by the court.

(e) If a court orders the ~~bureau~~ **commission** to issue a restricted

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driving license to a petitioner under subsection (d), the court shall specify the conditions under which the petitioner may be issued a license to operate a motor vehicle under section 13(b) of this chapter. After the expiration date of the restricted license and upon:

- (1) fulfillment by the petitioner of the conditions specified by the court; and
- (2) the expiration of the restricted license issued under subsection (d)(2);

the ~~bureau~~ **commission** shall issue to the petitioner a license to operate a motor vehicle under section 13(b) of this chapter.

SECTION 95. IC 9-30-10-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) A person who operates a motor vehicle:

- (1) while the person's driving privileges are validly suspended under this chapter or IC 9-12-2 (repealed July 1, 1991) and the person knows that the person's driving privileges are suspended; or
- (2) in violation of restrictions imposed under this chapter or IC 9-12-2 (repealed July 1, 1991) and who knows of the existence of the restrictions;

commits a Class D felony.

(b) Service by the ~~bureau~~ **commission** of notice of the suspension or restriction of a person's driving privileges under subsection (a)(1) or (a)(2):

- (1) in compliance with section 5 of this chapter; and
- (2) by first class mail to the person at the last address shown for the person in the ~~bureau's~~ **commission's** records;

establishes a rebuttable presumption that the person knows that the person's driving privileges are suspended or restricted.

(c) In addition to any criminal penalty, a person who is convicted of a felony under subsection (a) forfeits the privilege of operating a motor vehicle for life. However, if judgment for conviction of a Class A misdemeanor is entered for an offense under subsection (a), the court may order a period of suspension of the convicted person's driving privileges that is in addition to any suspension of driving privileges already imposed upon the person.

SECTION 96. IC 9-30-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. If it appears from the records of a court that has jurisdiction to enforce ordinances that regulate parking violations that three (3) judgments concerning a motor vehicle have not been paid before the deadlines established by a statute, an ordinance, or a court order, the clerk of the court shall send

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a notice to the person who is the registered owner of the motor vehicle.
The notice must inform the person of the following:

(1) That the clerk will send a referral to the **bureau commission** if the judgments are not paid within thirty (30) days after a notice was mailed.

(2) That the referral will result in the suspension of the motor vehicle's registration if the judgments are not paid.

SECTION 97. IC 9-30-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. A clerk may send a referral to the **bureau commission** if the judgments are not paid not later than thirty (30) days after a notice was mailed. The referral must include the following:

(1) Any information known or available to the clerk concerning the following of the motor vehicle:

(A) The license plate number and year of registration.

(B) The name of the owner.

(2) The date on which each of the violations occurred.

(3) The law enforcement agencies responsible for the parking citations.

(4) The date when the notice required under section 3 of this chapter was mailed.

(5) The seal of the clerk.

SECTION 98. IC 9-30-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. If the **bureau commission** receives a referral under section 4 of this chapter, the **bureau commission** shall suspend the registration of the motor vehicle and mail a notice to the person in whose name the vehicle is registered that does the following:

(1) Informs the person that the motor vehicle's registration has been suspended and the reason for the suspension.

(2) Informs the person that if the judgments are not paid within fifteen (15) days, the motor vehicle's license plates will be removed by a law enforcement officer.

(3) Explains what the person is required to do to have the registration reinstated.

SECTION 99. IC 9-30-11-6, AS AMENDED BY P.L.153-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. The **bureau commission** shall reinstate a motor vehicle registration that is suspended under this chapter if the following occur:

(1) Any person presents the **bureau commission** or a **bureau commission** license branch with adequate proof that all unpaid

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1 judgments with respect to the motor vehicle have been paid.

2 (2) A reinstatement fee under IC 9-29 is paid to the ~~bureau~~,
3 **commission**, if applicable.

4 SECTION 100. IC 9-30-11-7 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. If the ~~bureau~~
6 **commission** suspends a motor vehicle registration under section 5 of
7 this chapter, the ~~bureau~~ **commission** shall send a notice of the
8 suspension to the clerk who sent the referral. Upon receipt of a notice,
9 a clerk shall inform each of the law enforcement agencies that are listed
10 on the referral of the following:

11 (1) That the motor vehicle's registration has been suspended.

12 (2) That any law enforcement agency may remove the license
13 plate of the motor vehicle fifteen (15) days after the motor
14 vehicle's registration was suspended unless the judgments have
15 been paid.

16 SECTION 101. IC 9-30-12-1 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. The ~~bureau~~
18 **commission** may suspend or revoke the driver's license or permit of an
19 individual who pays the fee required for the driver's license or permit
20 with a check that:

21 (1) is not honored by the financial institution on which the check
22 is drawn; or

23 (2) has had payment stopped by the maker of the check.

24 SECTION 102. IC 9-30-12-2, AS AMENDED BY P.L.153-2005,
25 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2009]: Sec. 2. The ~~bureau~~ **commission** may:

27 (1) reinstate a license or permit revoked or suspended under
28 section 1 of this chapter; or

29 (2) revalidate a title or registration that has been invalidated under
30 section 3 of this chapter;

31 if the obligation has been satisfied, including the payment of service,
32 collection, and reinstatement fees, if applicable.

33 SECTION 103. IC 9-30-12-3 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The ~~bureau~~
35 **commission** may invalidate a title or registration that has been issued
36 by the ~~bureau~~ **commission** and the applicable fees have been paid with
37 a check that:

38 (1) is not honored by the financial institution on which the check
39 is drawn; or

40 (2) has had payment stopped by the maker of the check.

41 SECTION 104. IC 9-30-12-4 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The ~~bureau~~

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commission may suspend or revoke the driver's license or permit of an individual who pays the fee required for a vehicle title or registration with a check that:

(1) is not honored by the financial institution on which the check is drawn; or

(2) has had payment stopped by the maker of the check.

SECTION 105. IC 9-30-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. The ~~bureau~~ **commission** shall adopt a rule to establish procedures to be followed by the ~~bureau~~ **commission** in suspending or revoking a driver's license or permit under this chapter.

SECTION 106. IC 9-30-13-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. If a court fails to recommend a fixed term of suspension for an offense described under section 4 of this chapter, the ~~bureau~~ **commission** shall suspend the driver's license of the convicted person under IC 9-30-4-6 for two (2) years.

SECTION 107. IC 9-30-15-3, AS AMENDED BY P.L.209-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) This section does not apply to the following:

(1) A container possessed by a person who is in the:

(A) passenger compartment of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation; or

(B) living quarters of a house coach or house trailer.

(2) A container located in a fixed center console or other similar fixed compartment that is locked.

(3) A container located:

(A) behind the last upright seat; or

(B) in an area not normally occupied by a person; in a motor vehicle that is not equipped with a trunk.

(b) A person in a motor vehicle who, while the motor vehicle is in operation or while the motor vehicle is located on the right-of-way of a public highway, possesses a container:

(1) that has been opened;

(2) that has a broken seal; or

(3) from which some of the contents have been removed;

in the passenger compartment of the motor vehicle commits a Class C infraction.

(c) A violation of this section is not considered a moving traffic violation:

(1) for purposes of IC 9-14-3; and

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(2) for which points are assessed by the ~~bureau~~ **commission** under the point system.

SECTION 108. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2009]: IC 9-13-2-16; IC 9-14-1; IC 9-14-2.

SECTION 109. [EFFECTIVE JULY 1, 2009] (a) As used in this SECTION, "commission" refers to the bureau of motor vehicles commission established by IC 9-15-1-1.

(b) On July 1, 2009, the following occur:

(1) The powers, duties, and functions of the bureau of motor vehicles created by IC 9-14-1-1 (before its repeal by this act) are transferred to the commission.

(2) A reference in the Indiana Code or in a rule to the bureau of motor vehicles shall be construed as a reference to the commission.

(3) The property and records of the bureau of motor vehicles are transferred to the bureau of motor vehicles commission.

(4) An individual who was an employee of the bureau of motor vehicles becomes an employee of the commission. The employee remains a member of the public employees' retirement fund (IC 5-10.3) and is entitled to have the employee's service before July 1, 2009, recognized for the purposes of all other applicable employee benefits.

(c) This SECTION expires December 31, 2010.

SECTION 110. [EFFECTIVE JULY 1, 2009] (a) As used in this SECTION, "commission" refers to the bureau of motor vehicles commission established by IC 9-15-1-1.

(b) Rules adopted before July 1, 2009, by the bureau of motor vehicles created by IC 9-14-1-1 (before its repeal by this act) are considered after June 30, 2009, rules of the commission.

(c) This SECTION expires December 31, 2010.

SECTION 111. [EFFECTIVE JULY 1, 2009] (a) The legislative services agency shall prepare legislation for introduction in the 2010 regular session of the general assembly to organize and correct statutes affected by the transfer of responsibilities to the bureau of motor vehicles commission by this act, including review of the following statutes to determine whether changes are necessary:

(1) IC 3.

(2) IC 4.

(3) IC 5.

(4) IC 6.

(5) IC 7.1.

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- 1 (6) IC 8.
- 2 (7) IC 9-16.
- 3 (8) IC 9-17.
- 4 (9) IC 9-18.
- 5 (10) IC 9-19.
- 6 (11) IC 9-20.
- 7 (12) IC 9-21.
- 8 (13) IC 9-22.
- 9 (14) IC 9-23.
- 10 (15) IC 9-24.
- 11 (16) IC 9-25.
- 12 (17) IC 9-26.
- 13 (18) IC 9-27.
- 14 (19) IC 9-28.
- 15 (20) IC 9-29.
- 16 (21) IC 9-30.
- 17 (22) IC 9-31.
- 18 (23) IC 10.
- 19 (24) IC 13.
- 20 (25) IC 14.
- 21 (26) IC 20.
- 22 (27) IC 24.
- 23 (28) IC 27.
- 24 (29) IC 29.
- 25 (30) IC 31.
- 26 (31) IC 32.
- 27 (32) IC 33.
- 28 (33) IC 34.
- 29 (34) IC 35.
- 30 (35) IC 36.
- 31 (36) Any other statute requiring an amendment to conform to
- 32 this act.
- 33 (b) This SECTION expires June 30, 2010.

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